



No. 65,777

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Police call for lower alcohol limit

Drink-drive cases up by 18 per cent

By STEWART TENDLER, CRIME CORRESPONDENT

THE number of motorists caught drinking and driving over the Christmas and New Year holiday rose by 18 per cent compared with last year. The total — 5,209 in England and Wales — was the second highest this decade.

There were also more accidents in which one of the parties had been drinking — up 4 per cent from 939 to 974.

The figures prompted police and road safety campaigners to call for a lower alcohol limit for drivers and for the police to have greater discretion over when to give people breath tests. John Bowis, the Road Safety Minister, said: "Too many drivers are still ignoring the very clear message that drinking and driving wrecks lives."

But he added: "These figures reflect the fact that all police forces have applied a policy of breath-testing every driver involved in an accident. More tests result in higher figures."

It was still difficult to establish, however, whether this year's increase really meant that more people were drinking and driving — or simply that more were caught — since no overall figures were available for the number of tests carried out. Most forces refuse to give such statistics.

Of those that did, Merseyside reported that it tested three times as many drivers as it did last year — but far fewer were found positive: 97 out of 11,160, compared with 135 in 1995. Gloucestershire, Norfolk and Cumbria also reported a smaller percentage of tested drivers being found over the limit.

In Northumbria, however,



one in four drivers tested was over the limit, and in Cambridgeshire the number of arrests for drinking and driving or refusing a breath test was three times as high as over Christmas 1995. West Mercia also reported a 35 per cent increase in the number of positive tests, up from 70 to 103.

The figures for England and Wales cover the period from 6am on December 31 to 6am yesterday. In Scotland, the number of people tested was up by 80 per cent to 100,000 in December, of whom 1 per cent were found to be positive.

Police chiefs were disappointed that a £1.2 million advertising campaign had not brought a further improvement on last year's drop in the number of positive tests. Paul Manning, secretary of the Association of Chief Police Officers' traffic committee, thought that a plateau might have been reached and that the message might have to be reinforced.

The police want greater "unfettered" powers to stop

and test drivers and they are also in favour of reducing the legal alcohol limit for driving from 80mg per 100ml of blood to 50mg.

Richard Freeman of the AA agreed that the campaign may now be stuck and called for a new initiative. He said: "It's quite obvious that the people drinking and driving are doing so quite deliberately and are ignoring advice. The police must be allowed to better target suspects. If that means police parking down the road from a pub, then so be it."

"It's the threat of being caught and prosecuted that's the main threat which may prevent people from doing it — that threat must be increased if necessary."

The RAC's campaigns manager, Richard Woods, said: "Despite high profile campaigns, the latest figures show there's still a minority, a hardcore of drinking drivers. We need to break through the mentality that these drivers have that drinking and driving isn't an offence. If we can explain the consequences of drink-driving in human terms as well as in financial terms — the long-term impact on the drink-driver's own livelihood — perhaps that's the way forward."

Dave Rogers, road safety adviser for the Royal Society for the Prevention of Accidents, also backed those calling for a lower alcohol limit, saying: "We believe the only long-term solution is a gradual reduction to zero at stages agreed by the police and relevant authorities. If people do not listen to the warnings tougher action will have to be taken."



Nicola Dixon: visited club to show off new look after dying her blonde hair black

Parents mourn schoolgirl killed in church garden

By DANIEL MCGRORY

THE parents of a 17-year-old schoolgirl who was found battered to death on New Year's Day paid tribute to their daughter yesterday in a poignant handwritten note seeking public help in the hunt for the killer.

Nicola Dixon had stayed at home in Sutton Coldfield while her family went to visit relatives in Northumberland on Tuesday because she had been due to take her driving test. "Ironically, the test was cancelled because of the snow," the family said.

That evening she had joined friends at a social club for half an hour, showing off her new look — she had dyed her blonde hair black. At 9.45 she left to walk three-quarters of a mile to a public house in the centre of Sutton Coldfield, where she intended to meet a girlfriend.

But she got only halfway there before being battered about the head, sexually as-

saulted and left for dead. The police said yesterday that her injuries showed that she put up a valiant struggle, which passers-by might have mistaken for larking about. Her body was found the next morning in a garden next to the rectory.

The Rev Daniel and Valerie Connolly had arrived from Plymouth this week and Mrs Connolly was showing some friends around the garden of the empty curate's house next door when she saw the body in the snow.

Detective Chief Inspector Kevin Roberts said: "It's most likely that she was killed in the garden. Because of the freezing conditions it will be impossible to tell exactly when she died. We haven't found a weapon. It could have been something as basic as a brick or a stone. Her family are in deep shock. You can imagine how they feel."

Rita and Andy Dixon and their 16-year-old son, Gra-

ham, said in their statement that they were devastated. Describing Nicola as "the sort of girl any parent or brother would want", they said: "She was a happy girl who was popular, talented, hard-working and lived her life to the full. We want to help you to get the public to help to find whoever did this to her. We and the rest of her family and her friends are going through hell and we don't want anyone else to suffer in this way."

Miss Dixon had been studying for A levels in business studies, art and photography. She was also planning to take her Duke of Edinburgh Gold Award in the summer. The family statement added that since moving to Sutton Coldfield they had made many friends; Miss Dixon had become involved with the Beavers group and helped at an infants' school. "We know they will all miss her. We are missing her too."

Rita and Andy Dixon and their 16-year-old son, Gra-

Dorrell amazes his colleagues with call for rethink on EU

By PHILIP WEBSTER AND ARTHUR LEATHLEY

STEPHEN DORRELL revived speculation yesterday about the Conservative leadership and increased Cabinet pressure on Kenneth Clarke by calling for a renegotiation of Britain's relationship with the European Union.

In a move that astonished some of his Cabinet colleagues, the pro-European Health Secretary aligned himself with Cabinet Eurosceptics as he proposed an overhaul of European institutions to prevent the EU drifting into a superstate.

It was also being made clear on Mr Dorrell's behalf that he favoured ruling out Britain's joining a single currency in the next Parliament. Mr Clarke is strongly opposed to such a decision, although debate is still raging in the Cabinet over the matter.

In a fresh development, *The Times* understands that William Waldegrave, the Treasury Chief Secretary, has also made plain in Cabinet discussions that he would favour the Government taking a more sceptical line on monetary union, even if it officially retains the wait-and-see stance insisted on by the Chancellor and Michael Heseltine.

Although Mr Dorrell said that he was trying to broaden the European argument to give the Conservatives an election-winning stance, his intervention was branded by his opposition critics as a naked bid to win credibility with the Tory Right.

It was also seen in that light by some senior ministers and MPs. Several leading Eurosceptics suggested that Mr Dorrell was making his stand with the tacit support of the Prime Minister, who was trying to cajole Mr Clarke into a change of policy. But that appeared to be unlikely, given the inevitable outcome that his

remarks would be interpreted as positioning himself for a leadership battle this year if the Tories lose the election. Others, particularly supporters of John Redwood, questioned the strength of his conversion and accused him of "posturing".

William Cash, a leading sceptic, said: "Giving the impression that he is dealing with fundamental questions without dealing with the single currency and the wait-and-see policy is going up a cul-de-sac. The issue is who governs Britain, and anyone who wants to be taken seriously has got to deal with that."

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fundamental question and not sit on the sidelines. A senior minister said: "How strange. We have been trying to keep Europe and the leadership question under wraps. He has managed to open them up again."

Mr Dorrell, however, appeared determined to ensure that his views got across and spent much of yesterday giving television and radio interviews. He said: "We need to change the direction of Europe from the direction it has been

Continued on page 2, col 4
Leading article, page 19

New grass stays green whatever the weather

By NICK NUTTALL, TECHNOLOGY CORRESPONDENT

BRITISH scientists have developed a grass that always remains green and they believe it will be the answer to the prayers of many a groundsman and gardener.

The grass continues to look fresh, even in drought-like conditions that would turn normal grasses brown. It has been bred by researchers at the Institute of Grassland and Environmental Research, at Aberystwyth, Wales, who claim it stays green even after it withers.

The development is an outcome of the discovery of a natural, mutant, strain of meadow fescue, which is wide-

ly sown in pastures. The scientists found that the mutant stays green because it lacks an enzyme that breaks down chlorophyll, the green pigment in plants that is used for photosynthesis. The identity of the enzyme is being kept secret for commercial and patent reasons.

The trait has now been transferred to other grasses, including some that are being developed commercially. The hope is that they will find their way on to football pitches, golf courses, parks and other public places. The grass also has great potential as a protein-rich winter animal feed.

5,000 McJobs as chain expands

McDonald's, the American hamburger chain, is planning to create 5,000 jobs in Britain this year, spending £116 million on opening up to 110 new restaurants. Most will be drive-through restaurants paying new staff by the hour.

McDonald's said yesterday that it had created almost 4,500 new jobs in Britain last year by opening 90 new restaurants. Page 23

Shares tumble

The FT-SE 100 index closed down 61.1 points at 4057.4 in the wake of sharp falls on Wall Street, where dealers fear an interest rate rise. The Dow-Jones Industrial Average fell 101 points on New Year's Eve. Pages 23, 19

It's not the calories that count in the fight on flab

By JEREMY LAURANCE, HEALTH CORRESPONDENT

DIETS based on counting calories are less effective in keeping weight down than changing the type of foods eaten, researchers have found.

The toughest part of post-Christmas dieting is preventing hard-earned pounds from creeping back on before summer. Scientists have discovered that people who swap chips for pasta, but allow themselves unlimited amounts, do better than those who try to restrict the total quantity.

The progress of a group of 43 overweight women who had lost almost two stone (27lb) had on average on a crash diet was followed over two

years. The results showed that those who cut down on fat and ate more carbohydrate had preserved three times as much of their initial weight loss at the end of the period as those who counted the calories and tried to restrict what they ate.

Half the group were given a 24-page booklet which advised them to spread butter or margarine thinly, use the frying pan sparingly and eat more bread, potato and pasta. They were allowed to eat as much as they liked provided that they stuck to low fat, high carbohydrate foods.

The rest of the women were given

colour-coded counters designed to allow them to calculate the caloric content of different foods. They were allowed up to 1,875 calories a day, but this was reduced if their weight started to rise.

After two years the low fat, high carbohydrate group were still more than a stone (7lb 9oz) below their starting weight while the calorie counters were less than half a stone below it (5lb 8oz).

The authors of the research, which was conducted in Denmark and published in the *British Medical Journal*, say: "Our study shows that a low-fat,

high-carbohydrate diet consumed ad lib was superior to a more traditional fixed-energy intake diet in maintaining weight and preventing relapse two years after a major weight loss."

Professor Soren Toubro and his colleagues at the Royal Veterinary and Agricultural University in Copenhagen say that the rise in obesity in the West — it has doubled in Britain between 1980 and 1991 despite a reduction in fat consumption — is attributable to the fall in physical activity.

No miracle cures, page 5

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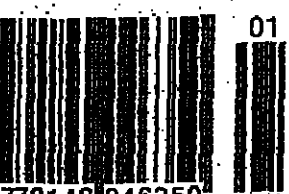
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BBC took part in discussions about producing Fred West film

By RUSSELL JENKINS

THE BBC discussed making a documentary-drama about Frederick West with the film company that bought rights to the mass killer's confessions through the Official Solicitor.

It emerged yesterday that producers at the BBC's Pebble Mill headquarters in Birmingham held preliminary discussions with the Portman Entertainment Group about making a serious drama that would delve into the mind of one of

Britain's most notorious killers. John Hall, Portman's former chief executive, said that the company's development team had been exchanging ideas with opposite numbers at the Pebble Mill drama department.

He indicated that the project was still actively under discussion when he left the company two weeks ago. One option was to produce a Screen One reconstruction. Last night the BBC agreed that it had been approached by Portman and that discussions were held but

insisted that a decision had been taken not to proceed. The BBC refused to say when the decision was made or at what level.

The Portman Entertainment Group, which paid £12,000 three weeks ago for the rights to confession tapes, memoirs and blue movie videos belonging to the serial killer, has shelved the project for the time being after a public outcry.

The involvement of the BBC drama department is likely to provoke fresh debate after Lord

Mackay of Clashfern's decision to review the law governing the duties of the Official Solicitor. It comes shortly after the BBC reconstruction of the events surrounding Sara Thornton's killing of her husband, Malcolm, in *Killing Me Softly* was heavily criticised as biased and politically motivated.

The BBC also came under fire from Jayne Zito over plans to film a drama surrounding her husband's death at the hands of a paranoid schizophrenic. A BBC spokesman at Pebble Mill said: "An idea based

on the Fred West story was suggested by Portman to the drama department, one of many hundreds they receive each year. They looked at it but decided not to develop the idea with them. There is no question of any BBC involvement in this production. The submission of the idea never reached pre-development stage."

The Portman Entertainment Group is a long-established independent film and TV production company. John Banks, the company chairman, said: "A produc-

tion company of Portman's size will acquire a considerable number of rights to material or stories during the course of a year, only a tiny number of which result in completed productions."

The process from option acquisition to completed production may take several years and the board of Portman has approved no such plans in the case of the West material.

"When and if the topic comes before the board of Portman for full consideration, the sensitivity of the

subject matter will, of course, be taken into account."

John Hall was the chief executive two months ago, when the company entered into the contract for an option on archive material relating to events at 25 Cromwell Street, Gloucester. He said it was always the company's intention, if it decided to make the film, to produce a serious docu-drama about a serial killer's mind. The options came to him through a literary agent. He said: "It was never going to be a horror movie."

Health Secretary's departure from brief puts Tory leadership contenders under starters' orders

Dorrell leads the field in race to succeed Major

By PHILIP WEBSTER AND ARTHUR LEATHLEY

THE spectacle of a Health Secretary calling for a re-drawing of Britain's relationship with the European Union was a stark reminder yesterday that the general election could just be the forerunner for a more bitter battle later this year.

Although all the contenders will deny it, the Tory leadership race is on.

Stephen Dorrell's decision to stray well beyond his departmental brief to expound his views on Europe was portrayed by his opponents yesterday as a blatant bid for power. However, he is but one of a dozen Cabinet ministers who would be disappointed not to figure in any list of potential runners in the Tory stakes. Rightwingers proliferate, but there is as yet no hint as to who will emerge as the Right's favourite.

Mr Dorrell is one of the group of Cabinet ministers who for several months have been jostling for position, moving to the Right on central policies, particularly on Europe, and generally reminding their party that their claims should not be forgotten.

If the Conservatives lose the election outright, John Major would almost certainly resign the party leadership this year. A heavy defeat could provoke such turmoil within Tory ranks that Mr Major would go swiftly and let them fight it

out this spring. However, should Mr Major and party elders prefer a more orderly transition, the rules state that the annual election should not take place until three months after the opening of Parliament. That could preclude a leadership poll before the summer recess.

Senior MPs believe that Mr Major may be prepared to delay his departure to prevent John Redwood from having a head-start over candidates he would prefer. As the man who resigned from the Cabinet to challenge Mr Major in 1995, Mr Redwood does not have to be too coy about his ultimate ambition. The campaign team that backed him then is ready

OTHER RUNNERS

Michael Heseltine, Deputy Prime Minister, 9-2 fav. Kenneth Clarke, Chancellor of the Exchequer, 5-1. Michael Portillo, Defence Secretary, 5-1. William Hague, Welsh Secretary, 6-1.

John Redwood, former Welsh Secretary, 7-1. Ian Lang, President of the Board of Trade, 10-1. Norman Lamont, former Chancellor of the Exchequer, 50-1 and slipping. **BT Betting from William Hill**

to roll again. Like Michael Heseltine in the period between his resignation from Margaret Thatcher's Cabinet in 1986 and his challenge to her leadership in 1990, Mr Redwood has been using his extra time to build support among party activists.

Among the Cabinet leadership contenders, the heavyweights, Mr Heseltine, Kenneth Clarke and Michael Portillo, long considered as inevitable runners, need do no more to sketch out their campaign pitches. Critics would say that Mr Portillo is now playing the loyalty card to draw a contrast with his rival, Mr Redwood.

The "jostlers", have been shifting their stances to suit a post-election parliamentary electorate that will be more Euro-sceptical. This group would include Mr Dorrell; Michael Howard, the Home Secretary; Malcolm Rifkind, the Foreign Secretary; Gillian Shephard, the Education Secretary; and Michael Forsyth, the Scottish Secretary.

The "dark horses" who may be at the starting gate include Ian Lang, the President of the Board of Trade, and thought by many to be Mr Major's favoured choice; William Hague, the young Welsh Secretary, and Norman Lamont, the former Chancellor.

Leading article, page 19



STEPHEN DORRELL
Health Secretary
Age 44

□ Campaign form: has shifted a long way to the Right since working as an aide to Peter Walker, "wringing wet" Energy Secretary. Has endeared himself to rightwingers but dismayed allies on the Left by taking an increasingly robust line on Europe. Keen to raise profile within party by voicing opinions on issues beyond his health brief.

□ Strengths: youth seen as a useful weapon against Tony Blair. Sure-footed minister. □ Weaknesses: rightward shift seen by natural allies as going too far too swiftly. Accused of political opportunism and lacking charisma.



MICHAEL HOWARD
Home Secretary
Age 55

□ Campaign form: increasingly fervent Euro-sceptic. Shown by recent Tory records to be the most active Cabinet constituency campaigner. Several anti-crime measures have improved his rating in the party. Is attracting attention of Portillo and Redwood followers within right-wing 92 Group.

□ Strengths: sharp legal mind and political guile have made him ferocious Commons performer and frontline campaigner against Labour. □ Weaknesses: poor voter appeal. Defeats in the courts have prompted accusations of on-the-hoof policy-making.



MALCOLM RIFKIND
Foreign Secretary
Age 50

□ Campaign form: manoeuvred skilfully on Europe last year before securing current post amid clamour for a more Euro-sceptic Foreign Secretary. Sent out hard-line signals against single currency and a federal Europe before appointment but has been careful since to follow Foreign Office middle line. Has carefully maintained close contact with MPs from both wings of the party.

□ Strengths: highly intelligent, charismatic and effective campaigner. □ Weaknesses: past U-turns on devolution seen as evidence of inconsistency.



GILLIAN SHEPHARD
Education and Employment Secretary
Age 56

□ Campaign form: seen previously as outside contender from the middle ground but has signalled rightwing credentials by taking a strong line in Cabinet in opposing moves towards a single currency. A close friend of John Major but was prepared to defy him by backing rightwing calls for corporal punishment.

□ Strengths: credited with restoring some of party's severely damaged reputation on education. Voter-friendly. □ Weaknesses: post-Thatcher aversion among Tory MPs to electing a female leader.



MICHAEL FORSYTH
Scottish Secretary
Age 42

□ Campaign form: one-time right-wing radical has toned down his ferocity since joining Cabinet. Has won admiration for his handling of the Dunblane tragedy and the BSE crisis in Scotland. Despite poor Tory poll record in Scotland, his campaigning against devolution and Labour's "tartan tax" has helped to arrest decline in support.

□ Strengths: energetic minister. Strong support among right-wing backbenchers. □ Weaknesses: faces a massive battle to save his 706 majority in Stirling at the general election.

Minister amazes colleagues with EU rethink call

Continued from page 1

going for the past few years. The set of institutions that was designed for a Europe of six in 1958 are not going to be able to deal with the issues facing a Europe of 30 or more states."

Mr Dorrell said that it was only by focusing on the wider European issues rather than on the single currency question that the Tories could bring home their differences with Labour.

He said they should go into the election campaigning for a low-tax EU and against the moves towards a more regulated "social Europe" that were endorsed by Tony Blair. "It is more relevant because both Labour and the Conservatives have said we are not going into a single currency without a referendum," he said. "The electorate are not being asked to decide the single currency issue at this election."

In a BBC Radio interview, he said: "We need to negotiate with our partners a relationship into the next century which reflects the reality of the world in a much more flexible and competitive global market place."

The minister's aides said that he had been taking a more Euro-sceptic line in recent speeches and statements. "It is something that has happened over a

period of time. It is not a Damascene conversion," one said. However, it is known that Mr Dorrell has been a leading contributor to two recent Cabinet debates on the single currency in which Mr Clarke has been asked to come up with more information on how the Government would judge whether to go into monetary union.

Leading article, page 19

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IRA bomb 'was plan for mass murder'

By NICHOLAS WATT

THE IRA was accused yesterday of planning the mass murder of police officers and soldiers when it abandoned a 1,000 lb bomb in the grounds of Belfast Castle on New Year's Eve. The RUC put on display the home-made explosives and detonating cord, which were packed into two bins in the back of a van.

Superintendent Mike Brown, the RUC's local sub-divisional commander, said: "I now have no doubt that the intention of the terrorists was to engage in what can only be described as the mass murder of police officers and perhaps soldiers assisting police. The intention was to lure police into the castle grounds for that purpose."

The bomb, inside a white Renault van parked in a sweeping driveway, was ready to be detonated once RUC officers and back-up troops drove into the castle grounds but before the IRA could lure them into the area a civilian became suspicious. The lives of wedding guests, New Year's Eve revellers and people in neighbouring homes were also in danger, police said.

The huge haul of home-made explosives had been inside two wheeled bins, connected to a detonator and packed into the van, stolen in Belfast the day before and fitted with false number plates.

Photograph, page 22

Tories see election triumph in stars

By JAMES LANDALE, POLITICAL REPORTER

THE Tories will today brush aside the opinion pollsters and instead place their faith in the stars with the launch of a mailshot of horoscopes predicting how voters might suffer under Labour.

Members of the public will be able to look up their sign of the zodiac in the so-called "horror scopes" to see how their lives would be changed if Labour wins office. In contrast, a more optimistic horoscope emphasises how life would improve if the Tories win a fifth term.

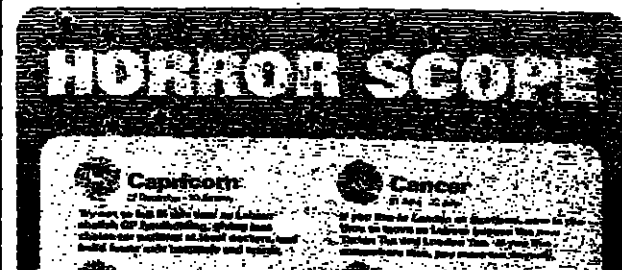
The gimmick marks the opening of the Tories' £7 million new year advertising campaign, which begins in earnest on Monday when a new poster is unveiled across the country.

According to the horoscope, thought up by the advertising company M&C Saatchi, Taurians will be living "in the fastest economy in Europe". But if Tony Blair becomes Prime Minister, they should get rid of the company car because it will be more highly

taxed by Labour. Pisceans can expect better schools for their children because the Tories are putting £830 million into education this year. But under Labour, they must "try not to get any older this year as Labour reduce a single person's pension by £20 a week".

The cut is based on an assumption by the Tories that Labour's plans for a flexible retirement age will mean more people stop work aged 60 instead of 65. Labour claims the scheme will not cost the taxpayer any more money than at present. If so, the Tories say, the amount of pension a person receives will have to be cut because the existing budget will have to be shared between more people.

Voters born under Virgo can either "win the lottery as income tax falls again" under the Conservatives or look forward to a minimum wage of at least £4 an hour, "unless your job is one of the millions lost because of this Labour policy".



The mailshot predicting doom under Labour

Hume will not stand at election

By JAMES LANDALE, POLITICAL REPORTER

John Hume, the leader of the nationalist Social Democratic and Labour Party, yesterday made clear that he would stand down as an MP at the general election. Asked on Irish Radio whether he would confirm his candidacy for the Foyle seat, which he has held since 1983, Mr Hume replied: "No". Mr Hume, 59, added that he was "heavily burdened" with his work as a Euro MP and an MP at Westminster.

CPS challenge

Belmarsh magistrates' decision to give bail to Michael Gallagher, 53, from Earls Court, southwest London, accused of being involved in the IRA attack at Heathrow in 1994, is to be challenged at the High Court today by the Crown Prosecution Service.

Nut bar warning

People with nut allergies were last night warned to check for wrongly wrapped chocolate bars, containing almonds. Cadbury's admitted that about 3,000 bars containing fruit and nuts were sent out in Dairy Milk wrappers after an error at one of its factories.

Bible recovered

A 1632 Bible has been found four years after it was stolen from Edinburgh University. A dealer in Central Scotland became suspicious when he was asked to value it.

Major puts family on poll agenda

By PHILIP WEBSTER
POLITICAL EDITOR

JOHN MAJOR is to put the defence of the family and traditional British institutions at the heart of his appeal for a fifth Conservative term of office.

In an introduction to a book to be published next week, the Prime Minister gives what he calls a "heartfelt" of my own personal instincts, and warns of the dangers of giving power to Labour politicians, "who have spent their lives denigrating our values, ideals, and achievements". He writes: "Both the

family and our nation are essential to the security of the individual citizen. They provide the familiarity, the sense of belonging, the emotional and physical support that everyone needs to face the hopes and the tribulations of life with confidence, optimism, and resolution."

He says that the institutions he wants to protect are not only the monarchy, Parliament, judiciary, Armed Forces and police, but the parish council, churches, local football and cricket teams, schools, hospitals, charities, and pubs.

Our Nation's Future is a collection of the Prime Minister's recent speeches, in

which he has set out the background on which the next Conservative manifesto will be based. The Prime Minister hits out in the introduction at the "modern so-called thinkers" who claim that the country would be "better off" if the institutions could be swept away.

The essential purpose of Conservatism was to conserve what was good and useful, and to reform what was essential, he writes. "But it must also be a society that has little tolerance for those who abuse natural generosity to the unfortunate in order to live off the results of the toil of others."

Ancient boundaries may be replanted after ruling

Victory for 'hedgerow hero' - or thorough nuisance

By PAUL WILKINSON

BRITAIN'S most successful amateur litigator yesterday scored a landmark court victory that could lead to the replanting of ancient hedgerows.

The decision was a personal triumph — and an 81st consecutive victory — for the public rights campaigner Colin Seymour. Using an 18th-century Enclosure Act, he brought the action after the parish council in his home village of Flamborough, East Yorkshire, voted to pull up a 35-year-old hawthorn hedge in work for a new bowling green.

At Hull County Court, Judge Cracknell made a declaration requiring the parish council to "maintain for ever" the hedge, which will protect wild flowers and nesting birds. He said: "It is a singularly indistinguishable hedge. It is very badly maintained, unkempt and straggly, but it does have one claim to fame: it is an enclosure hedge, dating back to the latter part of the 18th century. The Act and law are still good and the parish council is still bound by it."

Mr Seymour, 63, said he was "absolutely delighted". The judge gave the most comprehensive judgment which we could not have wished for in our wildest dreams. Other people throughout the country may be able to use the judgment in their own actions to stop the destruction of road-



Colin Seymour yesterday: 81st consecutive victory

side hedgerow. Environmental campaigners claim that miles of lost ancient hedgerow will have to be replanted.

Peter Bowler, campaigns officer for the Yorkshire Wildlife Trust, which supported the case, said: "We believe the judgment is retrospective, and could lead to many thousands of lost hedgerows having to be replanted. Between 1946 and 1974, 5,000 miles were grubbed out each year in the name of agricultural efficiency." The trust believes there are about 40,000 miles of ancient hedging elsewhere in England and Wales, controlled by around 4,500 Acts similar to the 1765 Flamborough Enclosure Act.

Peter Geldard, of the Country Landowners Association, said the court decision would

have to be examined extremely carefully. "Enclosure awards made at various stages during various centuries did differ, so I think it is very difficult to tell at this point whether this particular test case will have the result of protecting all hedges in enclosure awards. We do accept that there is a need to protect the most important hedges."

Judge Cracknell himself added a word of caution: "It would be wrong to read too much into this case in terms of significance for roadside hedges generally. There are over 4,000 enclosure Acts, and whether a provision is binding has to be judged in each individual case. Mr Seymour has a particular reputation for establishing himself in this area of law. He may be a hero

to some but, to others, I have no doubt he is a thorough nuisance."

His opinion was echoed by Trevor Pearson, a Flamborough councillor. He said: "I would like to clearly state that the parish council is and always has been conservationist. Nearly 80 per cent of the hedge is dead. The proposed bowling green was to be built on allotments used for years as a rubbish tip and eyesore. If Mr Seymour had been living in the village for more than 30 years, and was not just a relative newcomer, he would know that it would not have an entrance to its school, library or village hall if we had not removed other hedges."

Mr Seymour retired to Flamborough six years ago from South Yorkshire, where he successfully fought court battles against British Coal, Yorkshire Electricity, British Rail and British Waterways. He lives on £40 weekly invalidity benefit and estimates he spent £3,000 of his savings on the case.

His celebrated career began 20 years ago when, on social security, he fought the National Coal Board over plans for open-cast mining round his house in Methley, Yorkshire. More recently he challenged Humberside County Council and had a local bridewell opened.

Leading article, page 17

After 60 years, man of steel changes pants

FROM JAMES BONE IN NEW YORK

IT'S NOT a bird. It's not a plane. And it does not look like the old familiar Superman. After six decades in the same red, yellow and blue togs, the comic book superhero is getting a change of costume and some new powers to go with it.

From March, the muscle-bound crusader from the planet Krypton will don body-hugging tights in electric blue and dump his trusty cape. His new trademark will be a jagged "S" emblazoned on his chest like a bolt of lightning. Mike Carlin, Editor of DC Comics, said: "He still wears an 'S' on his chest but it's not the one we've used to."

The revamped Superman will enjoy new "energy-based" powers. Instead of flying, he will "zap" from place to place like a streak of electricity, although sources say he will have trouble landing at first. Bullets will no longer bounce off him, but will pass straight through or get trapped in his "energy matrix".

His alter ego, Clark Kent, will pay a price, however. In future, the four-eyed Kent, a reporter for the *Daily Planet*, will suffer from such distinctly human ailments as head colds and torn muscles.

Superman was created by the artist Joe Shuster and the writer Jerry Siegel in the

1930s, while both were in their teens. He made his first comic-book appearance in June 1938, and has survived many a plot twist since.

He was killed off in 1992, but was revived nine months later. Last autumn saw the publication of *Superman: The Wedding Album*, after his marriage in the series shown on television. Perhaps, as a result of a fulfilled emotional life, Superman seemed to lose his touch. His powers "dwindled away" after his marriage to Lois Lane, Mr Carlin explained. "He tried different ways of boosting his energies and his powers, and all these things have combined to alter him."



The old Superman, with cape and pants

The new improved Superman has extra powers

Dunblane threat man is banned from schools

By STEPHEN BARNELL

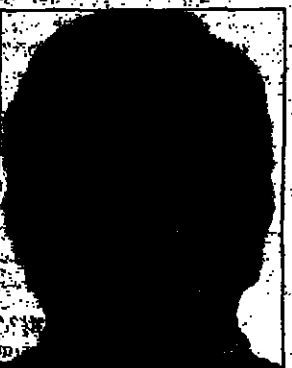
A FORMER soldier who told a prison chaplain he planned to "do a Dunblane" was banned from schools in south-east London yesterday, the day before his release from jail.

Greenwich council won an interim injunction against David Jennings, 50, forbidding him from entering or trying to enter schools and council buildings, owning or carrying firearms and interfering with children, teachers or council employees.

Jennings, from Eltham, a twice-married father of ten children, has previous convictions for possessing a firearm in public and assaulting council officials.

He made the threat to a chaplain at Highpoint prison, Suffolk, last summer after becoming angry at Greenwich council's treatment of his children in care. Immediately after learning of the remark the authority alerted all local teachers and parents, circled his picture and began a review of security at schools.

Backed by Sir Nicholas Lyell, QC, the Attorney-General, the council's solicitors were originally granted a High Court hearing next Monday, the day before Jennings's release from Swaleside prison, Isle of Sheppey, Kent, after serving 30 months for assault. However on New Year's Eve Greenwich learnt he was to be released today, because of time served in



Jennings never meant to carry out threat

custody while on remand. The authority sought and was granted an emergency hearing. After studying detailed maps of the area Mr Justice Bingham granted the interim order pending a full hearing on Monday.

Rosie Brocklehurst, a spokeswoman for Greenwich, confirmed after the hearing that the injunction banned Jennings from going within 250 yards of some schools and council buildings. "Given that he made threats and used the words 'do a Dunblane' we felt we had to take action."

James Bancroft, Jennings's solicitor, said his client had never intended to carry out the threat and "wanted to return home. Although Jennings accepted the temporary injunction he would contest the full hearing because of the "onerous" 250-yard exclusion zone, Mr Bancroft said.

Chaplain loses jail job 'for swearing'

By RUTH GLEDHILL
RELIGION CORRESPONDENT

A PRISON chaplain has lost his job after complaints about alleged smoking and swearing. Staff said that Father Paul Brook's behaviour at Durham Prison and Low Newton remand centre was "not appropriate".

Senior officials at the two establishments decided that the Roman Catholic chaplain should not be given a full-time job when his six-month probation period expired. He was living in accommodation provided by the Prison Service until last week.

He is expected to meet the Catholic bishop of Leeds, the Right Rev David Konstant, to discuss his next appointment. Jack Dodd, spokesman for Bishop Konstant, said he had not spoken to Fr Brook, but added: "The idea that smoking and swearing constitutes a culture shock to the inmates and staff of Durham prison makes one raise one's eyebrows a little."

A Prison Service spokesman said: "It is an internal staffing matter." Fr Brook was previously employed by the RAF chaplaincy service and before that at Our Lady of Lourdes Church, Bradford. He is currently on sick leave, but has lodged an appeal through the Prison Officers' Association. He is understood to be claiming that his contract has not been renewed because he spoke out against conditions.

Prince and the P-Ts opt for skiing over queueing

By EMMA WILKINS

THE Prince of Wales delayed the start of his day's skiing in Switzerland yesterday when he refused to jump the queue for a cable car.

The Prince who is on holiday with his younger son Prince Harry and three female companions, was at the back of a queue of 200 people at the foot of the Gotschna mountain in Klosters. Before striding off in search of another mountain with a smaller queue, he told an aide: "I'm sorry, I'm not going to queue jump with all these people here."

Also with the Prince are Tiggy Legge-Bourke, 30, his personal assistant, and the Palmer-Tomkinson sisters, Tara, 25, and Santa, 27. The girls are daughters of the Prince's old friends Charles and Patti Palmer-Tomkinson. The couple, who are known as the P-Ts, were in the royal party when an avalanche killed Major Hugh Lindsay in 1988.

Santa, who organises publicity for society jeweller Theo Fennell, is named after a



Santa, left, and Tara Palmer-Tomkinson

bumper Santa barley crop which her father produced on the family farm in Dummer, Hampshire, in the year of her birth. As a concession to his half-Argentinian wife, the father agreed to a minor amendment to "Santa" — Spanish for saint.

Her younger sister, who writes on society matters for *The Sunday Times*, has long been friendly with Prince William and Prince Harry. While she is a celebrated London party-goer, Tiggy Legge-Bourke prefers the invigorating air of High-

grove, the Prince's Gloucestershire estate. Mrs P-T, 54, was seriously injured in the Klosters avalanche. She underwent seven operations to put 40 steel screws and six metal plates in her legs which were broken in the accident. Her husband, Charlie, 55, is a former Olympic skier whose own father was killed near Klosters.

The Prince is staying at the Walsenhof Hotel, less than 100 yards from the P-Ts Klosters chalet.

Snow reports, page 42

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THE BEST SHOW IN TOWN IS MADONNA

FINANCIAL TIMES

MADONNA ANTONIO BANDERAS JONATHAN PRYCE

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NOW SHOWING ODEON WEST END
AT A CINEMA NEAR YOU NOW

By TIM JONES AND DOMINIC KENNEDY

An overnight temperature of -12C (10F) was recorded at RAF Benson, Oxfordshire. During the day, the coldest location was Hastings, East Sussex, where the thermometer struggled up to -3C (27F).

Thousands of people decided to extend the new year break and stay at home. Motoring organisations dealt with thousands of calls from stranded motorists, but the

Andrew Mitchell, Social Security Minister, said that the department was studying the feasibility of incorporating this extra data from the Meteorological Office.

the less-well-off with heating bills is paid if the average ground temperature is at freezing point or less for seven consecutive days between November and April.

and if you applied that to this scheme you could easily have different buildings in different parts of the street treated very differently. You would then make the scheme very unfair," Mr Mitchell said. "We will

Forecast, page 2

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BY ALA

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Scientists confirm hair of the dog does cure hangovers

By JEREMY LAURANCE, HEALTH CORRESPONDENT

DRINKERS have sworn by it for centuries but now scientists have proved it is true: a morning-after tipples does stop hangovers.

A small dose of alcohol taken the morning after a night of drinking can head off a hangover by blocking the metabolism of the substances in drink that cause the symptoms.

Research has shown that it is not the alcohol in the drink that triggers hangovers but substances called congeners. These are complex organic molecules, such as methanol and acetone.

The main culprit is thought to be methanol, a large quantity of which is present in red wine. The body metabolises it to form formaldehyde and formic acid, which have been linked to the typical hangover symptoms of headache, nausea and fatigue.

A small quantity of ethanol, the type of alcohol found in drinks, blocks the formation of

formaldehyde and formic acid, providing "an effective treatment for hangovers", according to Dr Ian Calder of the National Hospital for Neurology and Neurosurgery in London. Dr Calder says half a glass of sherry or wine is sufficient to stave off a hangover, although the type of drink is immaterial so long as it contains a small quantity of ethanol.

"Most top hotels have hangover cures often made to secret recipes. But they are all based on small amounts of alcohol disguised so it doesn't turn the stomach," Dr Calder, a consultant anaesthetist, says.

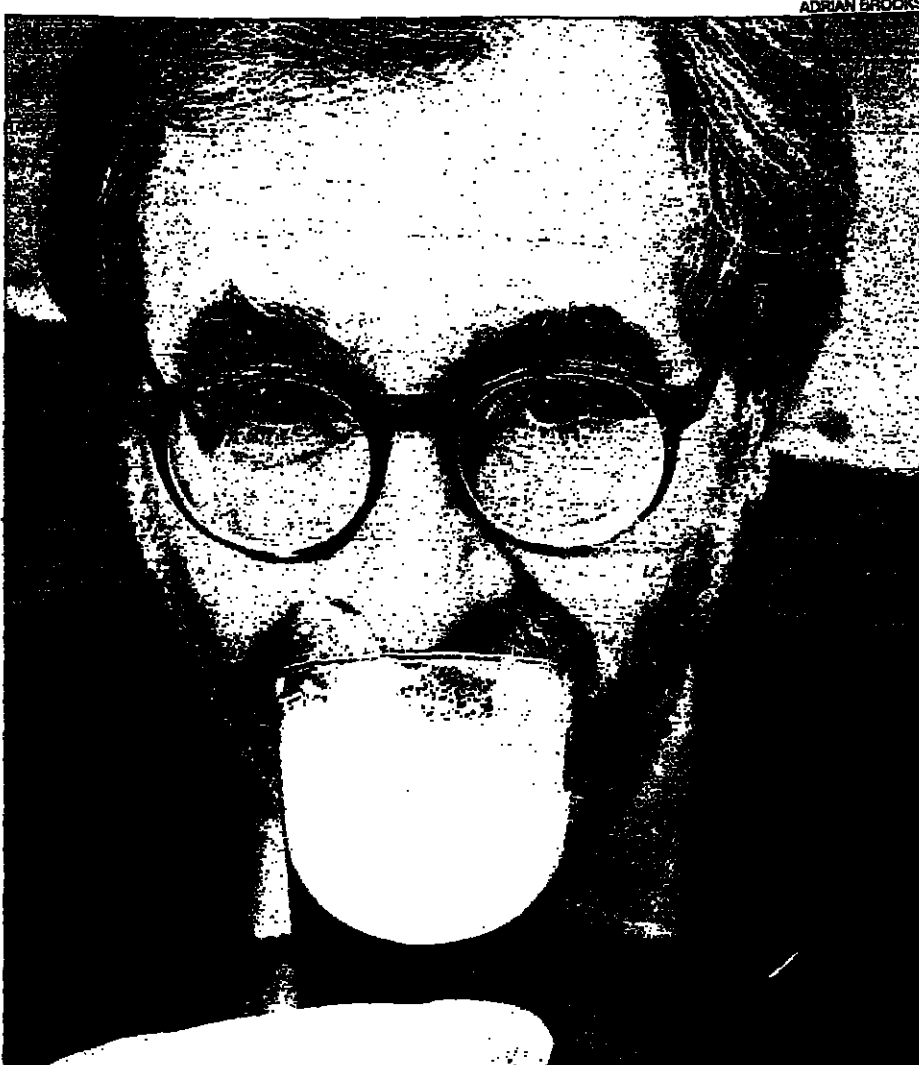
However, drinking to stave off a hangover is not without hazards. An American expert, called Dr Earlywine, speculated in the *Journal of Addictive Behaviour* in 1993 that fear of hangovers could explain why some people become alcoholics: they carry on drinking to avoid the unpleasant symptoms.

Writing in the *British Medi-*

cal Journal, Dr Calder says that the personality of the drinker and the type of drink are more significant than the quantity of alcohol drunk. Between a quarter and a half of drinkers claim not to suffer hangovers. The symptoms are worst in people who become angry or depressed while drinking, feel guilty, have a neurotic personality or have suffered distressing events in the past 12 months.

Dr Calder, a wine and malt whisky lover, does his best to avoid hangovers by combining drinking with eating and swallowing two ibuprofen or paracetamol with plenty of water before bed.

"A completely effective treatment is arguably undesirable since the fear of hangover prompts most people to moderate their ethanol intake," Dr Calder says. "Even moderate amounts of ethanol can be damaging so a penalty for consumption is in our interest."



Ian Calder says half a glass of sherry or wine is sufficient to stave off a hangover

Pollution suspected as study shows big fall in male fertility

By DOMINIC KENNEDY, SOCIAL AFFAIRS CORRESPONDENT

MEN'S sperm production has halved in a decade, according to a study that will heighten fears that male fertility is falling dramatically.

Scientists, unable to find any link with alcohol, smoking or drugs, are blaming poisons in the environment. A recent theory says chemical effluents in the environment could mimic the female hormone oestrogen. For the first time, evidence has been found that men's testicles are becoming significantly lighter. Scientists studied post-mortem examinations of 528 men aged 35 to 69 who died in Finland between 1981 and 1991.

During that decade, the proportion of men who had the normal biological processes leading to sperm production fell from 56.4 per cent to 26.9 per cent. There was a significant increase in men in whom no mature sperm cells were seen.

Men with a complete loss of such cells rose from 8 per cent to 20 per cent and those with a reduced number of cells rose from 31.4 per cent to 48.5 per cent. Testicles fell in weight

from 18.9 grams in 1981 to 17.8 grams in 1991. Researchers from Helsinki University, led by Dr Jarkko Pajarinen, spoke to relatives to check for life-style details such as drinking.

In today's *British Medical Journal*, they report: "Declining spermatogenesis was not explained by different exposure to drugs or the incidence of smoking or alcohol consumption, and thus more research is clearly needed." Toxins in the environment have become the most likely culprit.

In 1992, research showed that sperm counts fell by almost 50 per cent in half a century, from 113 million per millilitre of semen in 1940 to 60 million in 1990.

French scientists reported a 2 per cent decline in sperm counts of Parisian donors between 1973 and 1992. The sperm's swimming ability had declined. A British study showed men born in the 1970s produced 25 per cent fewer sperm than those born in the 1950s. At an annual decline of 2 per cent, men born 60 years from now could be infertile.

No miracle cures, slimmers are told

By LIN JENKINS

THOSE hoping to recover their pre-Christmas shape could shed more pounds in cash than weight, a consumer group has said. As the multi-million-pound slimming industry hones its new year sales pitch, slimmers have been cautioned that there are no miracle cures.

The Consumers' Association magazine *Which?* found many claims about weight loss to be misleading. Slimming clubs performed well but the researchers said that anyone could set one up without any formal qualification or knowledge of the subject. The five leading national clubs, however, all found a degree of favour, although the psychologist and dietitians assessing them said slimmers should choose carefully to find a regime tailored to their needs.

Rosemary Conley Diet and Fitness Clubs (£3.75 a 1½-hour session; joining fee £6) were praised for being the only one offering exercise, but it meant there was less time to deal with other aspects of dieting such as motivation.

Slimmers Club UK (£3.50 for 1½ hours; fee £6.50) had a well-balanced diet plan but

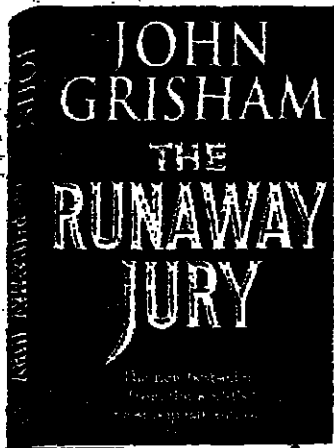
the weighting of food could be too rigid for some people. Slimming Magazine Clubs (£2.90 for 1½ hours; fee £6) demand a weight loss of at least 5lb a week and offer 17 diets but may prove disheartening to the very overweight.

The magazine found that Slimming World (£2.90 for 2 hours; fee £5.95) focused on the psychological effects of being overweight but the idea of "sin foods", some of which were fruit or vegetables, left the researchers uneasy.

At Weight Watchers (£3.95 for 1 hour; fee £9) the regime could help to develop healthy lifestyle changes but calorie-counting could deflect a slimmer from thinking about food and exercise in terms of health and enjoyment.

The range of meal replacers, calorie-controlled portions of food and drink, made worrying claims, the magazine says. "It is hard to see how replacing meals with a milkshake or biscuit bar can be described as healthy or natural." Some of the top-selling diet books were considered "helpful" but the magazine says the simple way to diet is to restrict energy-rich foods and take more exercise.

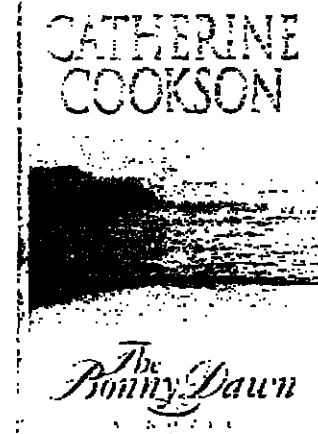
Top of the shops.



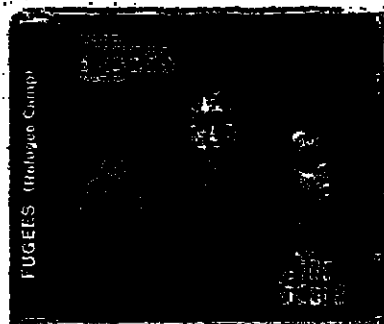
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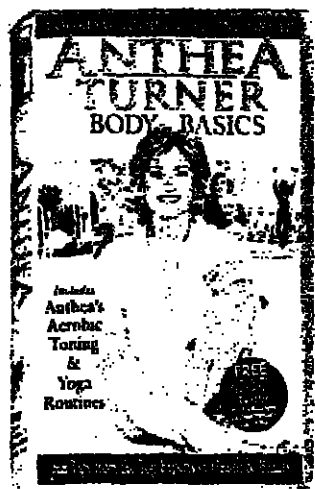
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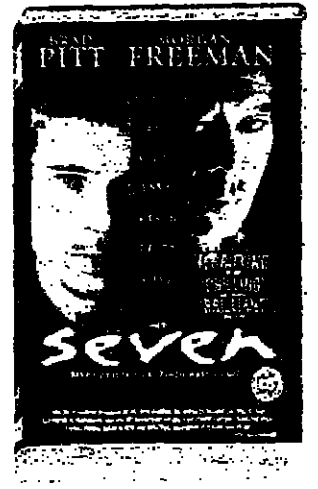
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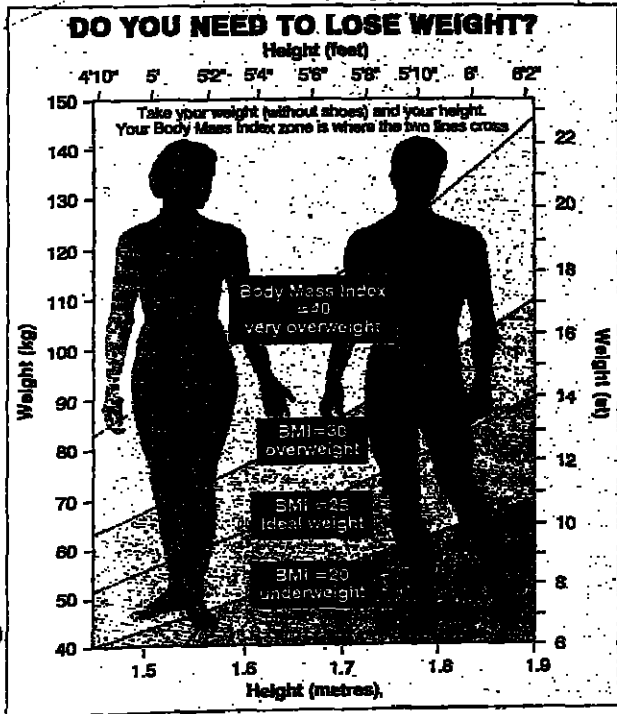
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Small packages are best, tour poll says

By HARVEY ELLIOTT, TRAVEL CORRESPONDENT

HOLIDAYMAKERS who choose small, independent tour operators are more likely to be satisfied than those who choose the travel giants, according to the consumers' magazine *Holiday Which?*

In response to the question "Would you recommend this company to a friend?", the readers' poll put Swiss Travel Service top, followed by French specialists VFB Holidays, the Travel Club of Upminster, Sunvil, Simply Travel, Cunard, Eurocamp and Virgin Holidays. All are likely to see repeat customers, says the magazine, while First Choice, Unijet and Sunworld were "likely to be one-off wonders". Inspirations was last after a series of flight delays in the summer.

The findings were attacked by leading tour operators. Richard Carrick, Airtours'

marketing director, said: "The survey is full of holes. It is comparing apples with pears by judging mass-market travel companies taking millions of people away against niche specialists providing expensive, highly restricted programmes for a few hundred people."

Nigel Jenkins, marketing director of Unijet, said: "People would not be buying package holidays in their millions if they were not happy with what they are getting."

Patricia Yates, editor of the magazine, denied that there was any real difference between the views of her readers and those of the general public. She said: "We check our findings against other surveys and, if anything, our members complain less about standards than the general public."

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Monopolies watchdog plans curb

Electrical giants deny colluding on price of goods

By EMMA WILKINS

ELECTRICAL manufacturers denied price fixing yesterday after a report that the Monopolies and Mergers Commission was set to recommend better protection for consumers.

Under new proposals, the makers of domestic electrical goods could be banned from using recommended retail prices to control the prices in shops. A report in the *Economist* says that the commission has discovered a "complex monopoly" in the sale of electrical goods including televisions, video recorders, dishwashers and refrigerators.

The watchdog body has been investigating pricing in the domestic electrical appliance market for the past two years and is due to report to Ian Lang, the Trade Secretary, in April.

Electrical goods manufacturers deny the existence of price fixing, which is illegal. But consumers remain perplexed by the similarity of prices for many goods in shops from John O'Gratts to Lands End.

A spokesman for Sony said yesterday that price fixing was against the law but he conceded that the whole area was a "sensitive issue" because of the

MMC report. The spokesman said: "Prices are among the lowest in Europe."

"Over the past ten years, while the prices of all consumer durables and services have gone up by over 43 per cent, the average price of audio-visual products has decreased by 23 per cent."

A spokesman for Dixons denied allegations of price fixing and said that similarity of prices was due to the extremely competitive nature of the market.

"If you find the same TV in different shops at about the same price, then that is an example of exactly how competitive our market is. Every-



Carsberg: report led to investigation

one is looking at their competitors to see if they can undercut each other by a penny or a pound," he said.

"We certainly refute any allegations of price fixing but we would want to reserve any future comments until after the MMC report is published."

A spokesman for Comet said the company could not comment until the MMC report was published but pointed out that its customers were offered refunds if they found an article on sale locally at a lower price.

The MMC was asked to investigate in the wake of a report by the Office of Fair Trading, which found there was a *prima facie* case of price fixing in the market.

Sir Bryan Carsberg, the Director General of Fair Trading, said at the time: "Our information indicates that some manufacturers accounting for well over 25 per cent of the supply have been engaging in practices designed to sustain retail price levels."

These include refusing to supply to retailers who sold the goods below the manufacturers' recommended retail price and outlets such as discount warehouse clubs," he said.



The Queen waits to cross a road while out riding with a groom at Sandringham yesterday. Wearing her usual beige riding mac and hood, the Queen and her companion spent 45 minutes riding over snow-covered fields.

Labour to fund computer lessons for all teachers

By DAVID CHARTER, EDUCATION CORRESPONDENT

NEW teachers will be required to pass examinations in computer skills under a Labour government, David Blunkett, the Shadow Education Secretary, will announce tomorrow. Labour's plans for a technology revolution will depend on all teachers being familiar with the Internet, Mr Blunkett will tell a conference of educationists in Sheffield.

He will also unveil a £150-million scheme to give existing teachers computer lessons. To escape the party curb on pre-election spending promises, Mr Blunkett will say all the money will come from lottery cash currently allocated to the Millennium Fund.

The speech will detail how the party will make good promises by Tony Blair to create a "national grid" of computing expertise by developing the use of the Internet in schools. Labour plans to work with BT to ensure every school has access to a source of worldwide information.

However, Mr Blunkett will tell the North of England Education Conference tomorrow that far too few teachers are in touch with the computer age. He also believes that the five days a year set aside for teacher training in schools could be better spent on new technology.

Less than a third of teachers have so far taken even a basic computer course. Labour's analysis of school inspectors' reports reveals that three schools in ten fail to provide

the full curriculum in information technology, either for lack of equipment or a shortage of computer-literate staff.

Mr Blunkett will say: "Too many of those in teacher training, those teaching teachers as well as existing teachers, lack basic confidence in using technology." Research by the Department for Education and Employment has disclosed that half of primary school teachers and seven out of ten secondary teachers do not use a computer regularly.

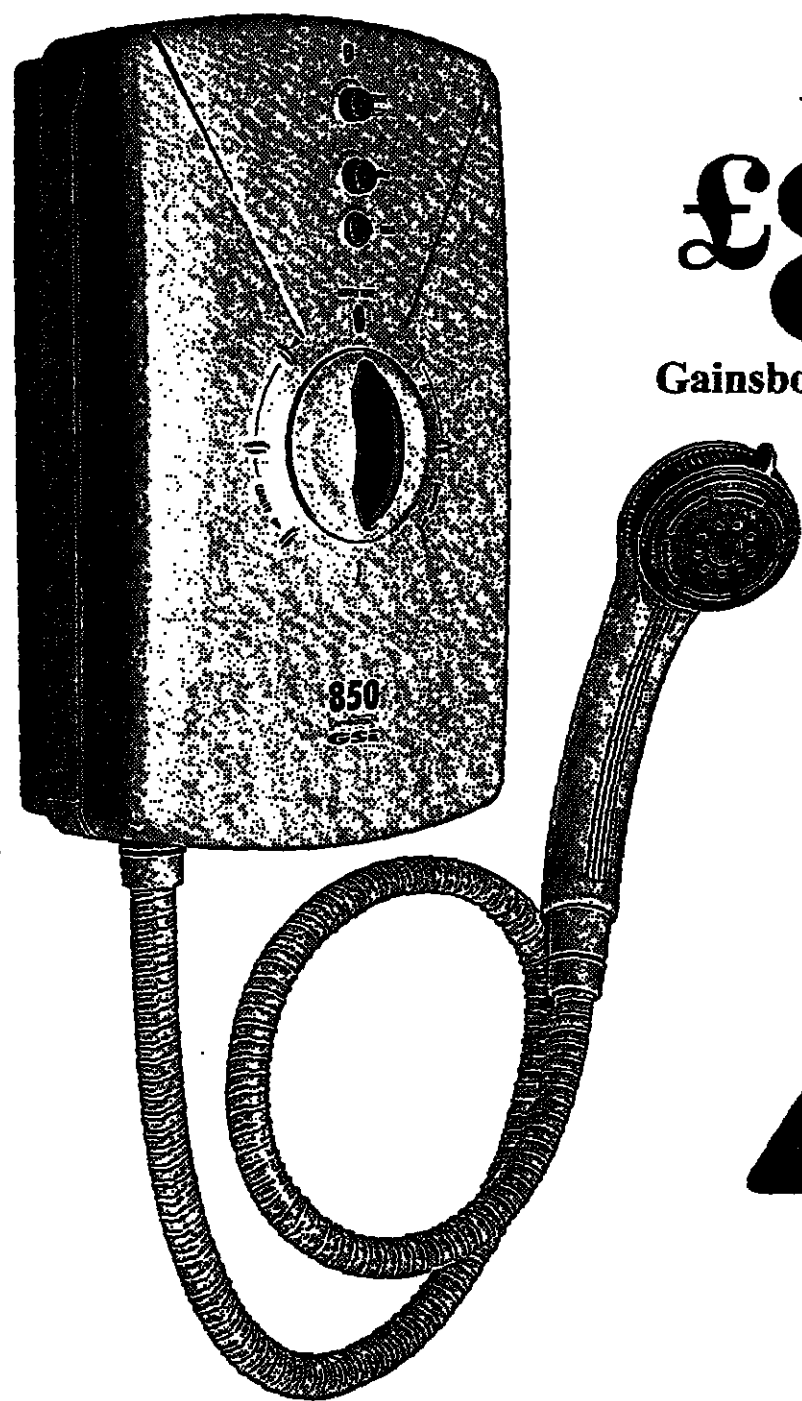
Mr Blunkett will add: "The number of computers in the home and the level of coverage possible through BT and cable in Britain places this country in a unique position to expand our lead in IT for the economic prosperity of the future and the creation of jobs in the global economy. We need to equip our educators to play their part at the cutting edge of that world of tomorrow."

One fifth of lottery profits, expected to top £1.6 billion by the end of 2000, goes to the Millennium Commission and the different political parties are devising their own ways of using the money from 2001. Labour estimates its plan to train teachers in computing would cost £30 million a year for three to five years.

Schools may also be required to put on after-school classes to train children who show special promise in computer use.

Education, page 35

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Call for action on rheumatoid arthritis

By DOMINIC KENNEDY, SOCIAL AFFAIRS CORRESPONDENT

PATIENTS are being crippled by rheumatoid arthritis because their general practitioners fail to refer them for early specialist treatment, an expert said yesterday.

Research has shown that the best way to overcome the disease and to reduce disability is to attack it aggressively in the initial stages, according to Elaine Hay, consultant rheumatologist at the Haywood and Stanfield Hospital, Stoke-on-Trent. Dr Hay, of the Arthritis and Rheumatism Council, said that only a few years ago, doctors would treat rheumatoid arthritis conservatively at first. Aggressive treatment was used only when it persisted.

"Most specialists now know that attacking the disease in its very early stages is crucial," she said, and patients thought to have rheumatoid arthritis should be seen quickly by a rheumatologist. She praised the treatment

now available. Non-steroidal anti-inflammatory drugs reduce inflammation of the joint as well as pain. "Second line" drugs, including anti-malarials, penicillamine, gold and sulphasalazine, attack the activity of arthritis by reducing pain, swelling and stiffness and slowing the rate of joint damage.

Dr Hay was opening Arthritis Education Week, which aims to alert patients and GPs about treatments and to offer information about the benefits and side-effects of the drugs. She highlighted other types of therapy, including physiotherapy, occupational therapy and education from nurse specialists. The best opportunity, for overcoming the disease was to use these during its early stages.

Drugs & Arthritis leaflet from Arthritis & Rheumatism Council (PO Box 177, Chesterfield, Derbyshire S41 7TQ; enclose SAE)

More cash cleans up beaches

BRITAIN'S beaches are becoming cleaner because tourism-conscious local authorities are spending more money on them. The Tidy Britain Group said yesterday that a survey of the 100 top resorts showed 91 beaches reached acceptable standards and that more than 40 were very clean.

The group said local authorities were spending almost £3.5 million a year on cleaning beaches and the results were starting to show. Sandbanks in Poole, Dorset, and Sandown on the Isle of Wight were marked at over 90 per cent. The cleanest resorts and beaches were in the South West and East Anglia, while most of those below standard were in the North West, Scotland and Wales.

The group singled out six beaches as the most improved: Cromer in Norfolk, East Looe in Cornwall, Paignton in Devon, Scarborough South, Sheringham in Norfolk, and Rhyl, North Wales.

Villagers' whip-round keeps post office open

By TIM JONES

RESIDENTS of a small Welsh-speaking community have clubbed together to buy the post office and shop, ten years after buying the pub.

The people of Llithfaen, Caernarfonshire and Merionethshire, were determined to prevent their village losing its focal point. Ten years ago they paid £40,000 for the pub, called The Victoria, and now they have helped to keep the shop open.

Most of the cost, £19,500, was met by the local council and a European Union grant but the residents needed to raise a further £6,000 to buy the shop from the owner who is retiring.

John Jones, chairman of the community committee, said: "We went around every house and came back with £500 more than we needed. The post office and the pub are essential to the life of the village. There are no other amenities."

"We were not prepared to stand by and let the heart and soul be ripped out of our community. No one else was going to help us so we decided to buy them ourselves."

Llithfaen had a population of 600 but that halved when nearby granite quarries were closed. The primary school was shut because of the population decline but the locals turned it into a community centre and youth club.

The shop has been leased to Ffion Medi Llywelyn, 24, who lives in the village with her husband, Dillon. She said: "There is a wonderful community spirit here."

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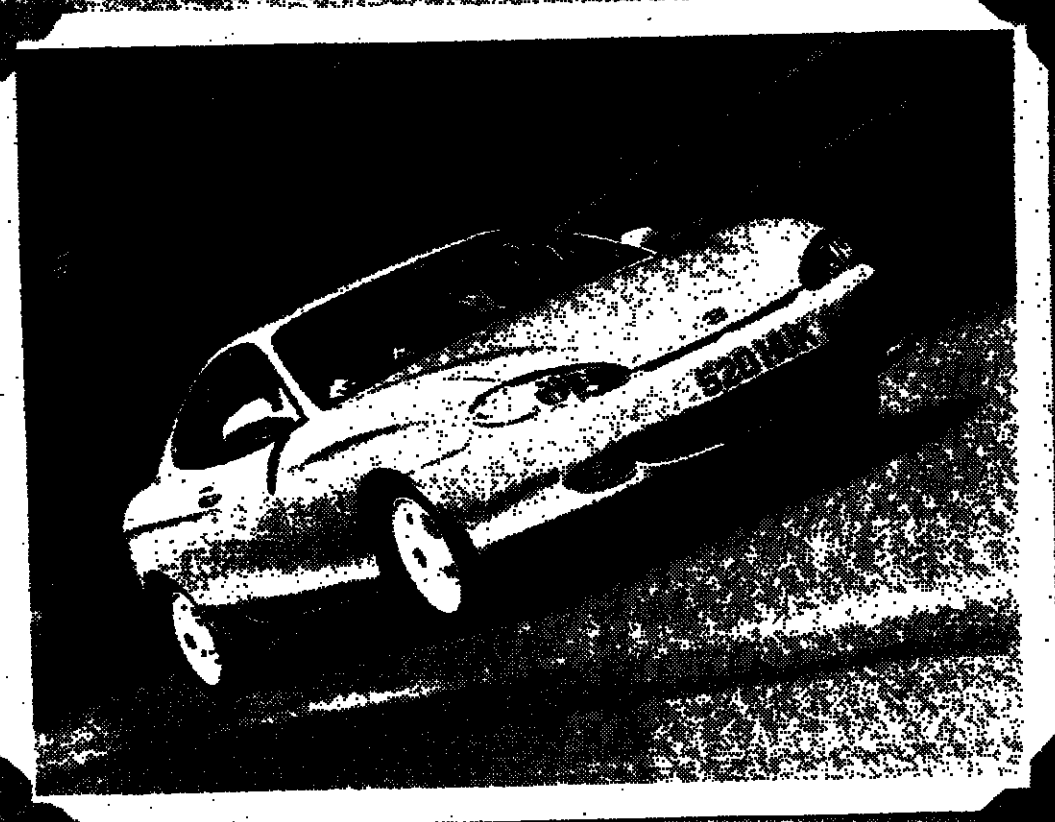
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Marseilles club run by Tapie 'used £11m for fixing matches'

FROM SUSAN BELL
IN PARIS

OLYMPIQUE Marseilles, France's former football champions, mispent more than £101 million (£11.3 million) on rigging matches and transfers under the presidency of Bernard Tapie, the bankrupt businessman and former Socialist minister, *Le Monde* said yesterday.

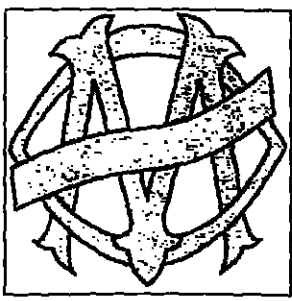
The corruption was said to have happened between 1987 and 1993 when the money was spent to fix matches by bribing players and referees and to lure star players to the team.

The latest revelations in the prolonged Tapie saga came from a 205-page report by the Marseilles magistrate, Pierre Philippon.

He has been investigating the club's accounts for four years.

"Olympique Marseilles had misused important sums in order to reduce, or even suppress, the hazards which invariably exist in a football match," said *Le Monde* yesterday, quoting from the lengthy report in which the word corruption features frequently.

"All the means possible, including the most illegal, were used" under M Tapie's presidency, the report concluded.



The club's emblem

Fictitious loans, false invoices to offshore companies and inflated payments to agents were the preferred methods, according to the French daily.

As a result of M Philippon's report, 20 people will now appear in court, including M Tapie and most of the former directors of Olympique Marseilles who were involved in the club during the period in question.

M Tapie, a parliamentary deputy who in the 1980s served briefly as minister in a Socialist Cabinet, is already under investigation for fraud over the affair. He is also awaiting the result of an appeal against a two-year jail sentence handed to him in May for his part in a match-rigging case in 1993.

M Tapie, who took over the presidency of the club in 1986,

used his soccer acquisition as a launchpad for other ventures and to attract politicians and business people.

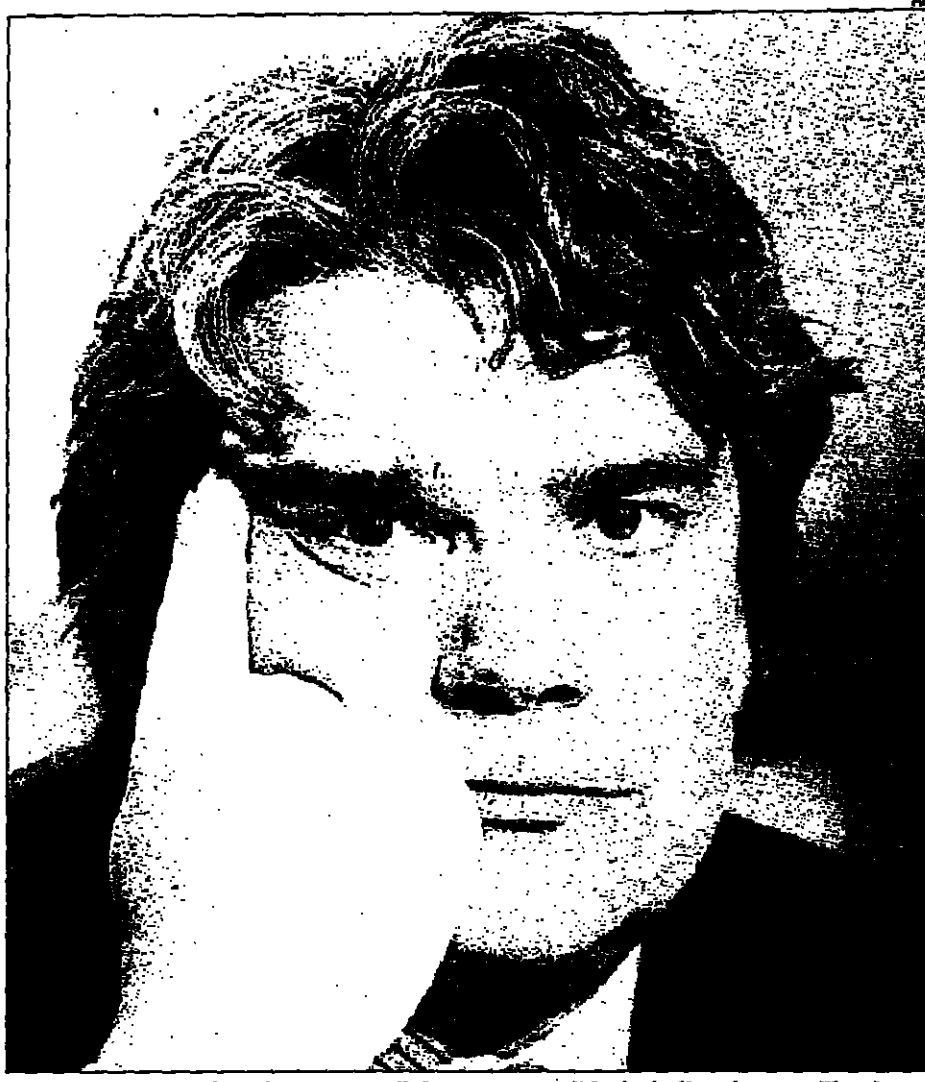
He undoubtedly invigorated Olympique Marseilles, which under his presidency dominated French and European soccer, winning the French championship five times in a row and the European title in 1993 when the club beat AC Milan 1-0.

The buccaneering entrepreneur rode on the club's success to become a national hero before dragging the team down with him into scandal and corruption.

The son of a plumber who became rich through a series of hard-nosed, asset-stripping deals in the 1980s, M Tapie was France's symbol of a self-made man in a society where it is extremely difficult to rise above the limitations of tradition and education.

According to *Le Monde*, M Philippon's report suggests that M Tapie's actions during his presidency of Olympique Marseilles were motivated by his personal ambitions to become Mayor of Marseilles.

M Tapie, who denies any knowledge of corruption in the affair, has frequently raged against the right-wing establishment, the machinations of the press and the dark forces behind French football.



Tapie, who is said to have used "all the means possible, including the most illegal"

Soccer, wrote Jean Giraudoux, the great playwright of the 1930s, "is not so much the king of sports as it is the king of games."

All the great games men have played involve a ball. For a ball is one of the few things in life that escape life's rules."

M Tapie may reflect that the rules now appear to have caught up with him.

□ Bakers' victory: Bakers are savouring a victory over supermarkets under a new law protecting their baguettes from cut-price rivals in a campaign to revive the fading

French appetite for bread. Up to 5,000 shops selling bread in France will have to take down "Bakery" signs under the laws in force from New Year's Day, the latest in a long series of safeguarded artisans and village corner shops from the ravages of competition. (Reuters)

World's poshest B&B plays host to party fat cats

FROM IAN BRODIE IN WASHINGTON

WHEN the Democratic Party's biggest donors and fundraisers visit Washington, their favourite place to stay is not the Four Seasons or the Ritz-Carlton, but the White House.

Investigations into the Democrats' campaign finances disclose that President and Mrs Clinton have often invited six-figure contributors to spend the night in the Lincoln Bedroom or the Queens' Bedroom on the same floor as the First Family's private quarters.

However, a spokeswoman for the Democratic National Committee said yesterday that there was no set price to qualify for a White House stay for those who give hundreds of thousands of dollars to the party. Amy Weiss Tobe said: "We do not promise a night at the White House in exchange for donations. It is up to the White House who gets invited." Even so, the five-star treatment has come to be seen as an inducement and a reward for so many big-money donors that the White House has earned the nickname of the "Fat Cat Hotel".

Among those enjoying the overnight hospitality were Truman Arnold, a Texas banker, and Ron Burke, a California grocery shop magnate, both of whom donated \$100,000 (£60,600) and raised

more than \$750,000. Others in the same bracket on a list compiled by *The Washington Post* were Steven Rattner and Stanley Shuman, both New York bankers, and Dan Dutko, a lobbyist. Their visits variously included invitations to a state dinner, a round of golf with the President or a trip on Air Force One.

Hollywood has been well represented among the bed-and-breakfast guests. They include Barbra Streisand, Steven Spielberg, the producer David Geffen, Tom Hanks, Chevy Chase and Richard Dreyfuss, all perennial Clinton fundraisers. Mr Dreyfuss said that the President woke him at 7.20am for a chat about politics. The actor also confessed that before checking out, he telephoned his children, just to brag that he was calling from the Lincoln Bedroom.

That is where President Lincoln signed the proclamation ending slavery. The Queens' Bedroom was named by the Kennedys after the many royals who slept there, including the Queen.

Not all guests fill party coffers. Occupants of the Lincoln Bedroom have also included the Clintons' former cook from Arkansas, a theology student and his wife, the President's pastor and other old friends.

Gingrich likely to receive only mild reprimand

FROM IAN BRODIE IN WASHINGTON

A WELL-TIMED leak from Capitol Hill yesterday indicated that Newt Gingrich has every chance of keeping his job as House Speaker.

Sources said two Democrats and two Republicans who investigated his breach of ethics will unanimously recommend only a reprimand. This is a mild punishment that would not bar him from running for re-election to the Speaker's chair, unlike the harsher penalty of censure.

Mr Gingrich's defence team was said to have negotiated the reprimand recommendation as part of a plea bargain before Christmas. In exchange, he admitted that he had violated the rules of the House of Representatives in connection with the funding of

his televised lecture course on politics.

The four investigators, members of a subcommittee, have yet to report to the full ethics committee, but there is virtually no chance that their reprimand recommendation will be overturned. Politically, this means that Mr Gingrich could only be defeated in next Tuesday's vote for Speaker by defections from his own party.

Although there have been waverers, they seem likely to fall into line if they are assured that the subcommittee, having heard all the evidence, regards a reprimand as sufficient punishment.

Earlier, the two Republicans on the subcommittee had thrown Mr Gingrich a lifeline by promising they would still vote for him as Speaker and vowing to block any attempt to censure him. Democrats who had been hoping to capitalise on the Gingrich saga were furious that details of the reprimand had leaked out.

With some justification, they declared angrily that it was unprecedented for ethics subcommittee decisions to be signalled. They said that they were unaware of any evaluations being made public before the full ethics committee had met. They complained about an infusion of politics in what should be a non-political peer review by the ethics committee.



Gingrich: good chance of remaining Speaker

Bombay takes aim at great expectorations

FROM CHRISTOPHER THOMAS IN DELHI

BOMBAY, which has confused everybody by changing its name to Mumbai, is further stepping out of line by banning one of the two most ubiquitous of male habits in India: spitting. The other is public urination; that may be attended to later.

Expectation is begun young: boys barely old enough to walk can be heard practising guttural sounds, which are regarded as *macho*. Spitting knows no class barriers and is as commonplace among urban dwellers as in villages, where everybody does it.

It is wise to stay out of range of any man chewing *paan*, a pungent substance made from betel leaves, a twist of lime, perhaps a powdering of tobacco and a sprinkling of spices. This turns saliva blood red, giving the impression that the man has been punched in the mouth or been to the dentist.

Bombay, the name almost everybody continues to use — except international airlines, whose staff continually have to reassure passengers that they are not on the wrong aircraft — has decided it is time for the habit to be curbed. India's commercial capital is the country's most

sophisticated city, as well as its richest, and spitting is at odds with the international image it has of itself.

The move represents an important cultural shift and it will take intense police activity to enforce it. But Bombay council seems determined to do so, both for aesthetic reasons and because of the spread of drug-resistant tuberculosis.

In Delhi, spitting among office workers is so common that often there are spittoons outside lifts and on the stairs. The capital is trying to reduce smoking in public places and keeps threatening to introduce prohibition, leaving little time to ponder a spitting ban. It is also trying to deal with public urination by building more urinals.

The Indian spitting culture probably originates from the yogic belief in releasing anything nasty from the body as quickly as possible.

□ Bombay: Cinemas in India's film capital shut their doors, calling an indefinite strike that could cripple one of the world's largest movie industries. The strike at 1,300 cinemas was over the decision by the state government of Maharashtra to double the tax on cinema tickets. (AP)

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Hebron pact runs into new trouble on security clauses

FROM ROSS DUNN IN JERUSALEM

THE Israeli-Palestinian talks about the future of Hebron ran into trouble yesterday, despite a new urgency to complete an accord after Wednesday's rifle attack in the West Bank town.

There are obstacles at the heart of the agreement. Yasser Arafat, the Palestinian Information Minister, said he added that the problems could be resolved with the help of Dennis Ross, the United States special envoy to the Middle East. Until then, no meeting was possible between Yasser Arafat, the Palestinian Authority President, and Yasser Arafat, the Palestinian Authority President.

Completion of the accord was being delayed as the two sides wrangled over Palestinian demands on three issues:

□ A timetable for further Israeli redeployments across the West Bank.

□ A Palestinian presence at the Tomb of the Patriarchs, burial place of Abraham and Sarah, holy to Muslims and Jews.

□ A restriction on the height of Jewish as well as Palestinian buildings in Hebron for security reasons.

"Not everything has been resolved," said Yitzhak Mordechai, the Israeli Defence

Minister, who said the agreement on a large number of clauses, but there are still one or two that will have to be discussed by Netanyahu and Arafat.

Palestinian and Israeli leaders emphasised the need to complete a deal quickly after a right-wing Israeli soldier opened fire on a crowded open-air market in Hebron, wounding six Palestinians. Police officers investigating the shooting by Abimael Friedman, 22, said they had detained a second soldier.

New sepulchre dome unveiled

Jerusalem: The reconstructed 115th dome of the Church of the Holy Sepulchre, marking where Jesus is believed to have been buried, has been unveiled after weeks behind scaffolding. The significance is not the artwork, said a spokesman, who designed the dome's decoration. "It's that the three churches [who control the building] got together and agreed after so many years."

On January 21, a member of the same army unit as Friedman, the police said that he had killed anybody after Friedman had shot him. He was charged with "passive collusion."

Friedman, a resident of Maale Adumim, a Jewish settlement outside Jerusalem, had been serving in a non-combat unit. He formerly worked at a religious school and apparently had flirted with the idea of joining extremist Jewish groups.

Friedman told a court hearing yesterday that he had "no regrets" about the shooting and agreed that he went to Hebron "to kill Arabs and to stop the peace process."

The police found 200 rounds of ammunition at his home. An inquiry is under way to find out why Friedman, who had a history of psychological problems, was allowed to serve in the army.

□ Bangladesh President Weismann of Israel said yesterday at the end of a visit to this southern Indian city that he hoped Iraq would make peace with the Arab world and that Israel was ready to forge ties with Baghdad. (AP)



Noam Friedman, 22, in a police car outside the court in Petah Tiqwa, near Tel Aviv, to which he was taken yesterday for a preliminary hearing into the Hebron shooting

Fifteen killed as terrorist blast rocks Damascus

FROM MICHAEL THEODOULOU IN NICOSIA

AT LEAST 15 people were killed and 50 injured when a bomb exploded without warning at a crowded bus station in the Syrian capital Damascus on Tuesday, residents and diplomats said yesterday.

Details were slow in emerging because the Syrian authorities initially ordered the state-run media not to report the rare terrorist attack, which diplomats suspected was the responsibility of the country's external enemies. Syria last night acknowledged the bombing, but said that nine people had been killed, and blamed it on Israeli agents.

President Assad, who has ruled Syria for 26 years, has faced virtually no internal challenge since crushing a Muslim fundamentalist revolt in the central city of Hama in 1982.

The large bomb apparently was placed in a bag in the luggage compartment of a bus at the al-Intilak centre, the main taxi and bus stop in the capital. It exploded as the bus left for the northern city of Aleppo, causing panic, roads were choked with motorists trying to flee.

last April and May. Turkey was blamed then, but denied involvement. Tuesday's attack was different in that it was designed to cause maximum casualties and most diplomats discounted any Turkish involvement.

The bombing follows a series of recent attacks on Syrian interests in Lebanon, where right-wing Christians vehemently oppose the control exercised by Damascus over the Lebanese Government. In one incident, a bus carrying Syrian workers was attacked and the driver died. Lebanese officials claim the Christian hardliners are supported by Israel which they say wants to destabilise their country to retaliate against Syria.

With Syrian-Israeli peace talks deadlocked, the two countries have been trading bellicose rhetoric in recent months.

Israel blames Syria, which has 30,000 troops in Lebanon, for giving free rein to pro-Iranian Hezbollah guerrillas to attack Israeli forces occupying a self-declared security zone in southern Lebanon. Hamas and other radical Palestinian groups also have offices in Damascus, although Western diplomats say Syria keeps them on a tight leash for fear of upsetting the United States.

Envoys link Libya executions to failed coup

FROM MICHAEL THEODOULOU IN NICOSIA

SIX senior officers and two civilians were executed for spying in Tripoli yesterday after Libya's top military court on Wednesday rejected their appeals. According to state-run television, the officers were shot and the civilians hanged.

In confirming the death penalty, the court alleged that the eight had used equipment supplied by the CIA.

The television report amounted to a rare public admission of opposition within the military to the 27-year rule of Colonel Muammar Gaddafi, whose regime is also threatened by militant Islamic fundamentalists.

Western diplomats in Tripoli suspect the sentences were not related to espionage but to a serious coup attempt in October 1993 that has never been publicly

acknowledged by Colonel Gaddafi. The attempt was led by officers from the powerful Warfalla tribe, which had considerable influence in the regime and the officer corps in Beni Walid, a garrison town that Colonel Gaddafi visited last summer for an apparently unsuccessful reconciliation with Warfalla leaders.

Other Libya experts speculate that the alleged spies may have been involved in two recent assassination attempts against the Libyan leader, the last in December, when a grenade hidden inside a pomegranate was lobbed at Colonel Gaddafi. He escaped unhurt.

"We're always hearing reports of secret executions, but what is interesting here is that the Libyans have gone public about it, clearly as a deterrent to frighten people generally, and the military in particular, to show that Gaddafi is still firmly in charge," a European envoy said. "The fact

that Gaddafi felt the need to go public implies he's not as firmly in charge as he's trying to make out," the envoy added.

Television showed the alleged spies sitting in a large cage inside a courtroom with their heads shaved. After their sentences were confirmed, an unidentified official read a statement to the men. "You mobilised yourselves as spies against your country and allowed the enemies to get hold of military, economic and security capabilities by using sophisticated equipment supplied by the CIA," he said.

In an apparent reference to the American air raids on Tripoli and Benghazi in 1986, the official added: "Have you forgotten, or are you just playing down what those who recruited you as spies have done to us? They have killed our children, torn our bodies apart, raided our families as they were sleeping."



Gaddafi: the target of assassination attempts

Sexists exposed in Dubai

FROM RUTHER IN DUBAI

MALE fear of being publicly shamed in a conservative, close-knit society has reduced harassment of women in Dubai, the Gulf's most cosmopolitan city.

Under a crackdown, police are publishing pictures of so-called "Eve-teasers" in newspapers. Some of the offenders are expatriates, mainly from Asian countries.

The risk of public disgrace in a Muslim society, where many families know each other, is acting as a deterrent. This is scaring many affluent young men with nothing much to do who are being blamed for harassment, rare in the socially segregated societies of the Gulf.

From Gulf Arab women enveloped head to foot in traditional black robes to Europeans in revealing miniskirts, women are subjected to whistles, winks and whispers. "Cases of female harassment have dropped to 10 a far this year from 40 in 1995 and 94 in 1991 since Crown Prince Sheikh Muhammad bin Rashid al-Maktoum decided to display pictures of these reckless youth in newspapers," a police official said. "Now Eve-teasers are thinking twice before they commit their indecent acts," he added.

Actual proof, based on a witness report, is needed before police can enforce the offenders' cars are also impounded for up to a month and they are detained for 48 hours.

Dubai has a reputation for being the most tolerant of the seven sheikhdoms that make up the United Arab Emirates. Alcohol is served in hotels and foreign women wear bikinis on beaches.

According to UAE laws, a man can be fined up to \$3,000 (£1,870) and jailed for up to a year if convicted of physical or verbal acts in public "deemed offensive to female decency".

Young, mostly clean-shaven men gather near entrances to schools and shopping malls to try to meet women in a country where traditions ban men from mixing with women before marriage.

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FROM ANTHONY LOYD IN BELGRADE

However, despite widespread international coverage

'Communist' law rejected

Bratislava: President Kovac of Slovakia has refused to sign an anti-subversion law that borrows heavily from legislation of the communist era and which has been criticised as anti-democratic by the European Union and America, his spokesman said yesterday. The law sets out punishments for anti-government demonstrations and other "crimes". (Reuters)

Outside urban centres the rural majority, who have no access to any media other than that controlled by the state, remain loyal to Mr Milosevic. Although the ambivalence of the underpaid Serb Army may concern him, he has so far retained the loyalty of Serbia's 80,000 police force. Their strength in numbers and equipment would prove more than adequate to crush the protest if they were unleashed on the demonstrators.

Misha Glenny, page 18



An ice-filled fountain in front of Wiesbaden Spa in Germany yesterday indicates the ferocity of the cold snap gripping Europe (Our Foreign Staff writes).

elderly. Firefighters in Sulzbach in the German state of Saarland were hampered by ice-clogged hoses as they fought a house blaze that killed seven people early yesterday. Temperatures of -16C (3F) froze the hoses and clogged firefighters' face masks with ice, police said. Two children were among the dead. A man holding his nine-month-old baby jumped in panic from the fourth

floor as the fire raced through the house: both are expected to survive. Eastern Europe was plunged into the deepest and deadliest freeze. In Poland, about 30 people have frozen to death — mostly homeless or elderly poor people who could not afford proper heating. Temperatures there rose slightly yesterday to 20C (4F) after reaching -37C (-34F) last week. In Hungary, four home-

less people froze to death over the new year holiday, state radio said. Freight traffic was halted in much of eastern France after key canals were sealed with four inches of ice. High-speed trains between Paris and Marseilles were delayed up to an hour by ice on the tracks.

In California, melting snow and pelting rain swelled rivers through the wine country in the north of the state, turning vineyards into muddy brown lakes, as storms continued to batter the American Northwest.

FROM SUSAN BELL IN PARIS



Asif Ali Zardari being refused bail yesterday

FROM ZAHID HUSSAIN
IN KARACHI

PAKISTAN police have arrested Hakim Ali Zardari, father-in-law of Benazir Bhutto, the deposed Prime Minister, on fraud and tax-evasion charges as the interim Government intensifies its crack-down on corrupt politicians.

Mr Zardari's son, Asif Ali Zardari, who was Investment Minister in his wife's Cabinet, has been under arrest since Miss Bhutto's dismissal from office. A court in Karachi yesterday extended his custody until Saturday at the re-

Hakim Zadari, 70, a former MP and chairman of the national assembly's standing committee on finance, was detained by the Federal Investigation Agency after midnight at his home in Karachi's fashionable seaside Clifton district. Senior officials alleged that Mr Zadari has been involved in a multi-million-pound land scandal, defrauding banks, and tax

Mr Zardari, who is a member of Miss Bhutto's Pakistan People's Party, is a candidate for a national assembly seat in his home town, Nawabshah, in the southern province of Sindh. If found guilty, he may face disqualification under the new election rules that bar candidates who have defaulted on bank loans and have been involved in corruption.

A landlord and a businessman, Mr Zardari allegedly acquired huge loans from state-controlled banks and then had them written off by his daughter-in-law's Government. Using his political influence, he is said to have acquired land on which to build a hotel in Rawalpindi, but sold it illegally later at a large premium. He is said not to have repaid loans acquired from the National Development Financial Corporation.

holdings. The arrest of her father-in-law just four weeks before the parliamentary election is due in yet another political setback for Miss Bhutto, who is fighting hard for her political survival.

The former Prime Minister, whose Government was dismissed on November 5 on corruption charges, has accused President Leghari of persecuting her family to keep her out of power. She has threatened to boycott the polls if the interim Government does not stop harassing her supporters. The election is due to be held on February 3.

AT LEAST 30 small creatures less than a foot tall, extremely kitsch in appearance, sporting a cheerful expression, a white beard and in some cases a pointed red cap, have appeared recently in wood around Alençon, a sleepy town in Normandy famous for its lace-making.

Now a French newspaper has revealed that these strange apparitions can be attributed to the FLNU, the French initials of the Garden

Gnome Liberation Front, which is working to give garden gnomes back their liberty, to free them from a miserable life of solitude and to return them to their natural habitat in the forest."

To date, Alençon's crack commando team has enjoyed a 100 per cent success rate. Gnomes are repainted at a secret location, relieved of caps and other humiliating accessories, and released into the wild, *France-Soir* reported.

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Portillo promises Britain will fight global aggressors

By MICHAEL BINTON, DIPLOMATIC EDITOR

BRITAIN is ready to commit its armed forces to supporting peace and fighting aggression anywhere in the world, Michael Portillo, the Defence Secretary, said in Port Stanley yesterday.

The Government was committed to defending the Falkland Islands and maintaining their security indefinitely, he added. "There is no caveat, exception or time limit to that commitment."

He said in a speech that Britain still had a global role. It took its responsibilities seriously and was ready to "match words with action" because it was a civilised nation. "Royal Navy ships carried the message of Britain to the world's ports as well as 'the' unspoken message that Britain is committed about security wherever it might be threatened."

Mr Portillo's pledge was an elaboration of the justification he gave the Commons in the autumn of Britain's readiness to send an intervention force to Zaire. It also had echoes of John Kennedy's inauguration promise that America would "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

Mr Portillo said Britain was ready to commit its armed forces to conflict where necessary. "We commit to rescue support and humanitarian operations, even in places far from home, for simple and yet fundamental reasons. We are a civilised nation. We recognise our humanitarian obligations. We have the military experience and capability to help. We respond out of our

deep concern for our fellow man and with a sense of pride that Britain's armed forces can make a difference."

He said Britain's readiness to commit 50,000 men and women to the 1992 Falklands conflict showed that the country was capable of doing alone if necessary. "Nevertheless, however, it acted more often through international organisations. 'Despite the spread of democracy over the last decade, parts of the world remain prone to xenophobia, ethnic conflict and religious intolerance,' he said.

British Defence planning took account of more than 50 potential crisis points across the world, including the Balkans, the trans-Caucasus, Algeria, Libya and Iraq. Outside

Manpower cuts curb ambitions

WHILE Mr Portillo has every reason to feel confident that Britain's forces can play a significant role in peacekeeping missions or regional conflicts, manpower cuts since the end of the Cold War have limited its global policing ambitions (Michael Evans writes).

The Army is down to 104,000 trained soldiers and will drop below the 100,000 mark early next century. Support services have also been pruned. However, Britain will rarely, if ever, have to act on its own, so Mr Portillo can afford to be generous in offering its military expertise.

Nato, there were about 35 countries equipped with up-to-date tanks and artillery. Many had armies numbered in hundreds of thousands. Forty air forces outside Nato had modern offensive aircraft. 30 had submarine forces and 20 had ballistic missiles.

"Such threats require us to maintain highly capable forces," he said. "We in Britain have shown ourselves willing to invest in effective deterrence and in forces that can be rapidly deployed."

Mr Portillo insisted that the 2,400 Falklanders should be able to choose their own future without fear or oppression. He also emphasised, however, Britain's links with Latin America, and said Britain warmly welcomed the spread of democracy and economic liberalism in the continent.

"Our interest in the South Atlantic is tangible and permanent and we shall wish to broaden and deepen our ties with the countries of the region, based on the clarity of our position regarding the sovereignty of the islands," he said.

His remarks, clearly aimed at Argentina, followed an earlier statement in which he rejected calls by President Menem for shared sovereignty over the islands. However, he welcomed what he called the conciliatory tone of Señor Menem's remarks.

Military planners are asking whether Britain needs to keep such a large force in the South Atlantic at a time when Argentina has promised that it would not use force again in its campaign to secure sovereignty over the islands.

Cycle king Induráin quits the road at 32

FROM TUNKE VARADARAN IN SAN SEBASTIÁN

THE champion cyclist Miguel Induráin, arguably the greatest living idol in Spain, plunged his nation into sadness yesterday by announcing his retirement from competitive racing.

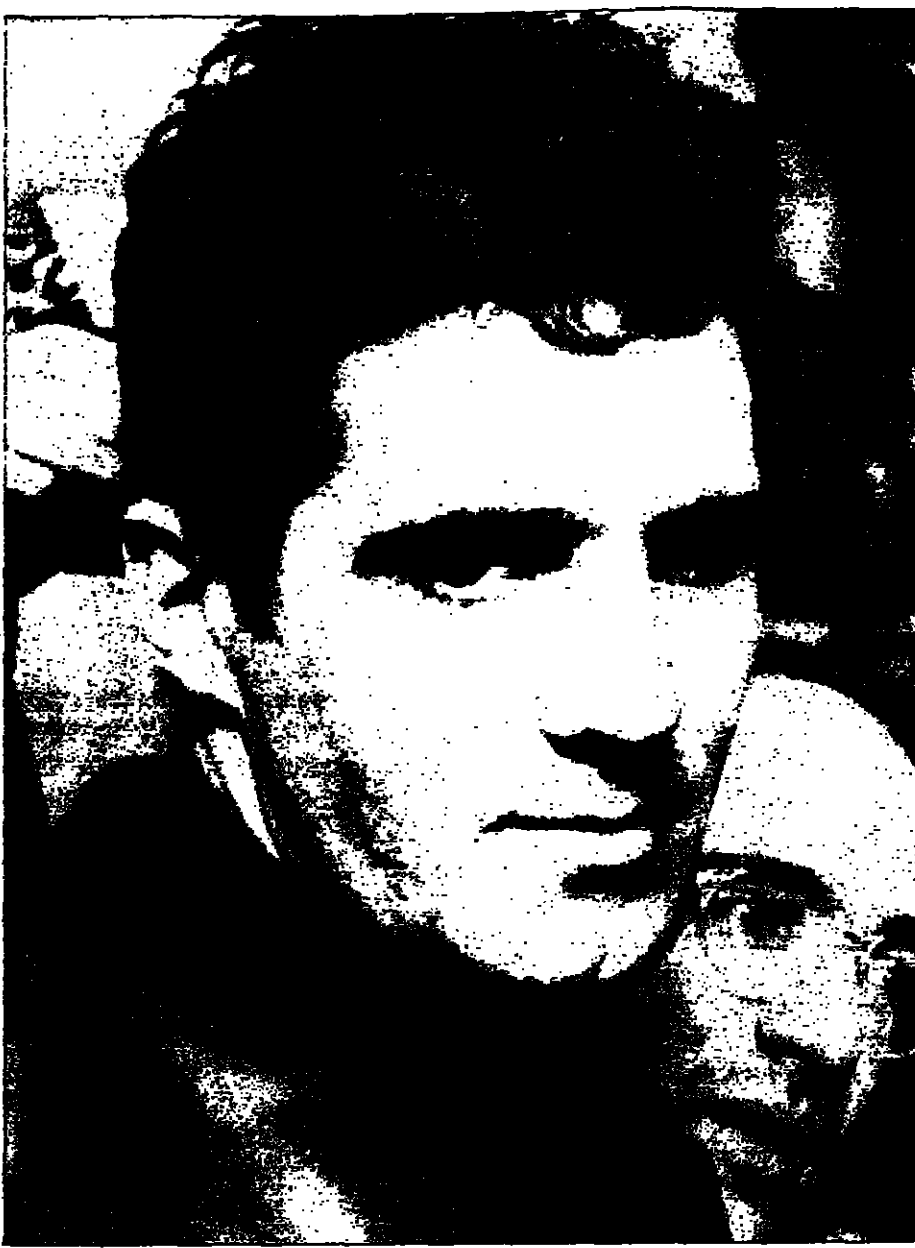
"Miguelón", or Big Miguel, announced his departure at a press conference in his native Pamplona, so ending months of fevered speculation in Spanish newspapers, bars and homes over the future of the Basque superstar.

Induráin, 32, who won the Tour de France five times consecutively from 1991, had been out of sorts since he lost last year's race. A victory then, which virtually nobody had dared to bet against, would have given him an unprecedented sixth title. Later in the year he shocked all Spain by dropping out midway in the Vuelta de España, or the "tour" of Spain.

If the national mood after his Tour de France loss was one of disbelief, the feeling thereafter was one of gloom. When Induráin's contract with the Banesto Spanish cycling team, worth an annual £7 million, expired on December 31 without his having indicated that he would move to another sponsor, retirement seemed the only likely option.

A recent poll indicated his competitors think that Induráin is the most accomplished Spanish sportsman of all time. Yet he is far more than just a sporting hero, his acclaim transcending all boundaries of profession, region, class and age. Opinion polls indicate he is even more popular than King Juan Carlos.

After each of his Tour de



Induráin arrives at a Pamplona press conference to announce his retirement

France triumphs, newspaper editorials exhorted Spaniards to "be like Induráin". Political commentators have been known to call for the "Induráinisation" of Spain, by which they mean an end to inefficiency, and a greater degree of decency, integrity and professionalism in the workforce.

Politically, as well, in the strife-torn Basque country,

Induráin has been a model, always emphasising that he is "both Basque and Spanish". It is refreshing also that a Basque should be so warmly embraced across the length and breadth of the country. He is a quiet family man — a kind of Spanish "bloke next door" — and his shy, unshowy manner is much appreciated.

Induráin's career as a cyclist began fortuitously, when

he was 11 years old. His father, a farmer, recalls this story: "My son became a cyclist because another boy stole his bicycle. We chased the thief but couldn't catch him and Miguel was heartbroken. 'Don't worry,' I said to him. 'I'll get you a new one, a racing bike.'" Young Miguel got it, and never looked back.

Sport, page 42

Italy told to tighten migrant entry law

FROM JOHN PHILLIPS IN ROME

ITALIAN authorities demanded reform of the nation's liberal immigration laws yesterday after more North Africans bluffed their way onto the southern island of Lampedusa.

Officers from the Finance Guard patrolling the sea between Italy and Tunisia on New Year's Eve stopped a trawler carrying 28 would-be immigrants as it was making its way to the shores of Lampedusa ten miles away.

Under an accord between Tunis and Rome six weeks ago, the police normally would have asked Tunisian authorities to escort the vessel back to Sfax, the port it left after each passenger paid the equivalent of a million lire (£400) for the voyage.

But the group claimed they had been at sea without food and water for ten days and pleaded to be allowed to land at Lampedusa. They also claimed that three other shipmates had died from hunger and exposure to freezing temperatures between December 27 and December 30.

The Mayor of Lampedusa, Salvatore Martello, said the account was almost certainly fabricated to allow them to land. Under Italian law they will be transported to Sicily where they will be ordered to face repatriation within ten days. However, they will be free to move in the meantime and are sure to head for France and Germany, he said.

"The uninterrupted chain of clandestine immigration has reacted to the measures adopted by the Italian Government," Signor Martello said. Forty Tunisians intercepted by a police vessel were allowed ashore on Wednesday.

Easy election win for Singapore rulers

FROM REUTERS IN SINGAPORE

OPPOSITION parties in Singapore retained at least two seats in the 83-member parliament but the ruling People's Action Party (PAP) obliterated one of its main opponents as results came in from yesterday's general election.

Goh Chok Tong, the Prime Minister, and his PAP were assured of retaining power because opponents contested only 36 of the 83 seats. Of the first 31 seats announced last night, the PAP took 29.

It was not clear whether the opposition would match or improve on the four seats won in the last election. The Singapore Democratic Party (SDP), which held three seats, has been shut out of the next

parliament. Two SDP incumbents lost and a third switched to another opposition party. Choe Soon Juan, leader of the SDP, failed to capture a key seat after a campaign in which he had "proven" himself a "proven liar".

But Chiam See Tong, the former SDP chief, scraped home with a reduced majority under the banner of his new Singapore People's Party.

The Workers' Party kept the one seat it had in the old parliament. But attention was focused last night on the Chong San constituency, where five Workers' Party candidates faced the PAP. Mr Goh has staked his prestige on winning the constituency.

Zaire gold town falls to rebels

Rebels trying to topple President Mobutu of Zaire seized the northern town of Bunia and nearby gold mines in a 12-hour battle with government forces (Our Foreign Staff writes). Hundreds died in the Christmas Eve offensive.

In neighbouring Rwanda authorities arrested as genocide suspects more than 2,500 Hutus who were among about 460,000 refugees who returned home from Tanzania.

Out of prison

Brussels: A Belgian court freed Alain Van der Bieft, an ex-minister held in connection with the 1991 murder of fellow Socialist politician, André Cools. But the charges have not been dropped. (Reuters)

Waves injure 27

Redondo Beach: Storm-whipped waves 10ft high swept 27 people off a jetty at this California beach, leaving many with neck and back injuries. All were rescued by lifeguards. (AP)

Java gas threat

Jakarta: A crater has opened up and is spewing poisonous gas in the Djeng Plateau of central Java, where a similar discharge killed nearly 150 people in 1979, the official Antara news agency said. (AP)

Border alert

Bonn: Germany is to crack down on smugglers of illegal immigrants by boosting the number of border police near Poland and the Czech Republic from 4,700 to 6,200, the Interior Ministry said. (AFP)

Corruption war

Hanoi: Communist Vietnam's leaders intensified their war of words on corruption, saying moral degeneration among party cadres had exposed a flank for enemies to sabotage the revolution. (Reuters)

Imperial hope

Tokyo: Almost 60,000 people visited the Imperial Palace to wish a happy new year to Emperor Akihito, 63. He said: "I pray for happiness for Japanese people as well as those in the rest of the world." (AP)

Festive chop

Brussels: A thief stole a sheep from a Christmas crib in the western Belgian city of Ghent and slaughtered it on the spot, the police said. "Looks like someone who wanted a meal," an officer said. (Reuters)

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Why therapy does not work

Clinical psychologist Dr Dorothy Rowe explains why, for many patients, psychotherapy cannot provide a solution

In my salad days when I was green in judgment I believed that universal enlightenment was possible. I saw that the body of human stupidity far outweighed the body of human knowledge and wisdom with the result that just about all the vastness of human suffering derived from what we do to one another and to ourselves. However, I believed that the forces of unreason (the kind of thinking that results when fear, greed, vanity and the desire for power are allowed to prevail over logic and scientific thinking) could be exposed for what they were and thus defeated. I thought that psychotherapy would be the means by which this would happen. Through psychotherapy we would come to understand that all we know is what we have constructed, and that out of this understanding we would develop new ways of living together based on tolerance, mutual dignity and knowledge informed by the search for truth rather than the fulfilment of desires.

Now I know that this has not occurred and might never occur. I no longer see psychotherapy as being as profound as I once thought it was. Moreover, the forces of unreason are not so easily routed, and, when they do suffer a defeat the forces quickly regroup and capture other territory. This happens because not only do these forces serve to keep power in the hands of those who would be powerful (in political thought such people are usually grouped together as the Church and the State) but they often secretly subvert those who believe that they are in the vanguard of enlightenment. Enlightenment requires a person to look with clear, unwavering eyes at the reality of our existence but, as T.S. Eliot said: "Human kind cannot bear very much reality."

When reality becomes too much we can comfort ourselves with fantasies, which is wise provided we remember that the stories are fantasies. Some people look mildly interested, unsurprised because I am not telling them anything they do not know, but others look confused, even anxious. They have never heard such an account of experience before.

Because all that we have are our interpretations, we are free to choose to acknowledge that what we have are theories and that we can use all means to test these theories, or we can insist that our theories are accurate representations of the truth. Of course, acknowledging that all you know is a theory which might or might not approximate to reality requires the courage to live with uncertainty, and many people (some therapists included) lack such courage.

What is this inability to accept and acknowledge the peculiarity of our existence? Over the past 20 years I have taught — or tried to teach — this to a wide range of people. I have found that some people have no difficulty in understanding the peculiarity of their existence while others remain baffled and confused or dismiss out of hand what I say. Most of the nuclear physicists I have encountered find what I say blindingly obvious. After all, physicists have been dealing with this issue since the 1920s. It is other scientists who want to believe that somehow in doing science they step outside themselves, don the white coat of objectivity and perceive reality directly. They find the thought that they cannot measure anything absolutely accurately unacceptable. Many are psychologists.

Teaching psychologists and highly qualified psychotherapists I find the hardest chore of all. Many come with a set

mere failure of nerve. It seems instead to be an inability to understand and accept the peculiarity of our existence.

This peculiarity is that, while the world we live in seems to be solid and real and shared with others, what we each experience is our individual construction. We can imagine events that occur without any relationship to us, but what we have is not knowledge about such events but theories. In fact, everything we know is a theory, a construction, and this construction is inside our heads.

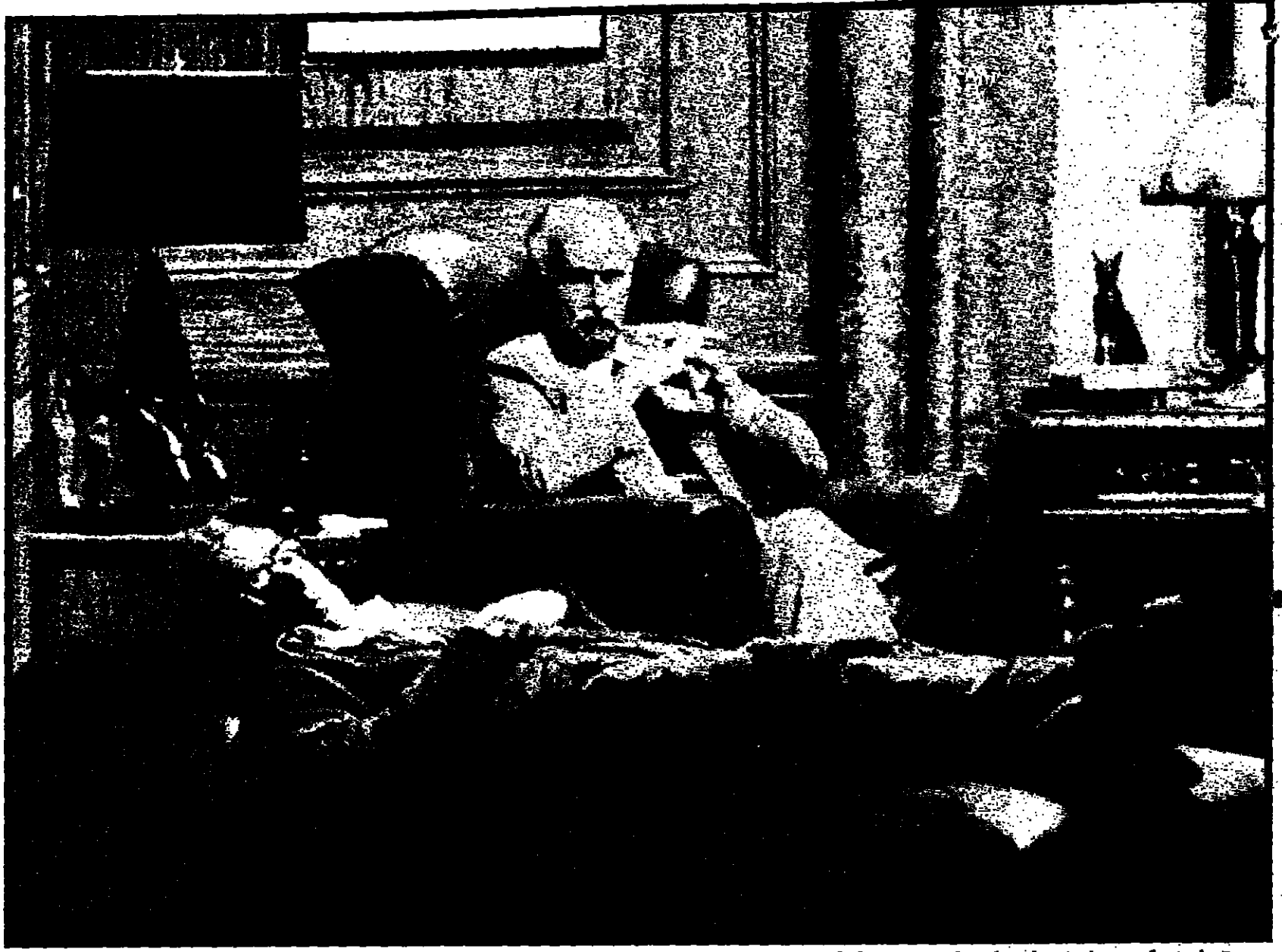
When I lecture about this I often quote or refer to the work of the scientist Ian Stewart when he wrote: "The problem is that human beings cannot obtain an objective view of the universe. Everything we experience is mediated by our brains. Even our vivid impression that the world is 'out there' is a wonderful trick. The nerve cells in our brains create a simplified copy of reality inside our head, and then persuade us that we are inside it, rather than the other way around."

I then describe how, while it seems to me that I am here and my audience over there, actually what I am experiencing is inside my head. I can only hope that whatever is going on bears some resemblance to my construction. I go on to say that the same process is occurring in each person, and that if it were possible to take our pictures out of our heads, we would see that each picture is different. This is because our construction can come from nowhere other than our past experience, and no two people have the same experience.

As I describe this process I watch the expressions of my audience. Some people look mildly interested, unsurprised because I am not telling them anything they do not know, but others look confused, even anxious. They have never heard such an account of experience before.

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Teaching psychologists and highly qualified psychotherapists I find the hardest chore of all. Many come with a set

of mental boxes, which they call psychological theories. As I talk I see what I am saying being popped into one of the boxes and the lid snapped tight. To pass examinations in psychology and psychotherapy you have to know the current theories and their accepted refutation — or supposed refutation, because often the refutation is no more than name-calling, and there is nothing well trained psychologists like better than polysyllabic abstract nouns. Such words allow the user to ignore experience, especially experiences that challenge the psychologist's favourite theory.

Of course, psychologists and psychotherapists are not the only people who pop everything into a theory box. Listen to the pundits on Radio Four's *The Moral Maze* and you will hear them doing the same. Thus lived experience is ignored and what is enjoyed is the comfort of prejudice. As Freud once observed, intellectualisation is the most reliable of the defences.

As small children we are well aware that our way of seeing things is very different from that of our parents, but unfortunately for most of us we are not allowed to hold on to such an understanding. Instead, we are told that our individual truths are silly, childish, wrong, wicked. If we grow up believing that there is just one right way of thinking, feeling and acting we lead miserable lives because we have lost the one freedom that makes our life survivable, even happy and glorious. Such freedom comes from understanding that although we can control very little of the circumstances of our life we are always free to change how we interpret those circumstances.

The turning point in psychotherapy is

the moment when the person actually reaches such an understanding. This is an understanding that the person now knows through and through. It saturates and transforms their entire structure of meaning. If the person has only an intellectual grasp of this understanding then nothing is gained. Unfortunately there are many psychotherapists who pay lip-service to such an understanding but who imply that they are in possession of some Absolute Truth.

Thus are those psychotherapists who want to be powerful, seduced by the forces of unreason. It may be that the psychotherapist wants to secure a good income, or become famous, or simply assure himself of his self-worth by making his clients better. But as long as the psychotherapist is saying to the client "I know best. Do it my way", the psychotherapist has yielded to the forces of unreason.

Hence psychotherapy has not transformed the world. Far too many psychotherapists have been seduced in this way. Such psychotherapists can be found in all schools of therapy. Psychoanalysts were seduced right from the start. Unreason seeks to satisfy desires and to do so must frustrate the search for what is. Science seeks to establish what is, irrespective of our desires. Psychotherapy has not transformed and enlightened the world or even a small part of it because in seeking to understand ourselves we fail to be scientific. Meaning is our being. We have nothing else other than the meaning we create.

Such an understanding should be the basis of psychology and psychotherapy. But it is not. In the 1960s an American

psychologist called Rosenthal published his research which showed that if teachers thought certain children were intelligent the children behaved intelligently, that test results differed according to gender, and that psychologists got the results they expected even when the subjects were rats. In short, he showed that it is not what happens to us which determines what we think, feel and do but how we interpret what happens to us. I remember a lecturer saying: "If his results are only halfway accurate we'll have to do every experiment again." I thought she was right and that psychologists should start again. But they did not. Status, as ever, was more important than truth.

I would be possible to construct a psychology and psychotherapy based on the knowledge that we construct what we know. Here we would recognise that emotion is not separate from cognition but is a way of creating meaning. We would understand that communication is not a matter of passing something from one person to another but a process of individual interpretations, full of opportunities for mutual misunderstandings. We would elaborate the methods of science in the testing of our personal, political, artistic and scientific theories. We would search for shared patterns of constructions and delineate the variations of individual constructions. In all, we would celebrate the creativity of our inventions, for we would know that if there were one fixed reality and that was what each of us saw how dreary our lives would be.

If only we would do this.

Must the meagre varieties of guidance and the desire for power always prevail?

© Dorothy Rowe 1996. Taken from *Living Together*, eds David Kennard & Neil Small, Quartet Books, £9.

We have nothing else other than the meaning we create

Jane Gordon finds herself succumbing to a surplus of superstition

THERE is something about the new year that makes me uncharacteristically superstitious. In the past few days I have found myself surreptitiously checking through the "year ahead" predictions of every astrologer you can name searching for the future of my dreams.

Because, while part of me knows that — as Shakespeare so succinctly put it — "our fate lies not in our stars but in ourselves", another part of me yearns to believe in some preordained destiny. Indeed, it occurred to me recently that as we move towards the millennium — becoming ever more sophisticated and technologically advanced — so, simultaneously, we have become more and more obsessed with looking back over our shoulders to a time when the only science we knew was based on magic, myth and superstition.

Instead of putting our faith in the considerable achievements of the present day we prefer to depend on the dubious counsel of contemporary soothsayers, sages and stargazers who pull us back to an age of ignorance.

In fact this year, as well as checking my Chinese horoscope, my numerology and the apparently all-important progress of the Comet Hale Bopp through my star sign, I have been looking at my Feng Shui — the latest "ancient science" to obsess neurotic, over-indulged Westerners.

I have been wondering, for instance, whether or not my desk faces in the "right" direction, whether my garden

Which runes shall I read?



Consulting the oracle

path is twisted enough to obstruct the bad energies bent on coming in through my green (for "growth") front door and whether or not I have a well lit, well positioned "wealth corner". I have even been considering repositioning the furniture in our bedroom after discovering, in Lilian Too's *The Complete Illustrated Guide to Feng Shui* given to me for Christmas, that a bed placed beneath an exposed beam will bounce hostile energy onto the couple lying in it.

I AM not alone in looking in strange places for omens about my future. A growing number of intelligent, otherwise sensible men — and rather fewer women — have reorganised their homes and lives to promote good Feng

Shui. One perceptive friend, who runs her own clothing business, was recently persuaded by a professional Feng Shui practitioner to repaint the exterior of her shops in red and gold, the colours of prosperity, and to leave a crystal bowl of water by the till to magnify her takings. Another has removed all the mirrors from her house to relieve the "negative influences" they reflect.

It is, of course, pure mumbo-jumbo: the kind of nonsense that for centuries has held back mankind and prevented individuals from achieving their full potential. How can a rational person possibly believe that the position of a mirror, a bed or a table in their home could manipulate their "cosmic chi" so that they can achieve greater success and happiness? But then how could the Duchess of York have been taken in by Madame Vasso's ability to foresee her future from beneath a blue triangle?

Why do I still want to put my faith in the curious notion that the journey of a comet through space can make me healthier, wealthier and more fulfilled throughout 1997?

Perhaps it is because in an age when scientific achievements make magic look ordinary, when my PC can do

things I cannot understand without even an *encyclopedia*, it is comforting to fall back on the sorceries of the past.

We might, I suppose, acknowledge that ultimately we are in control of our own destinies but we prefer, instead, to look to the stars, the tarot, even the palms of our hands for answers to problems we cannot, or do not want to, solve for ourselves. But it is self-delusory to dub the growing move towards these ancient arts as a new age of spiritual enlightenment. In truth, by putting our faith in old wives' tales and superstitions we are in danger not of awakening a new consciousness but of slipping back to the Dark Ages.

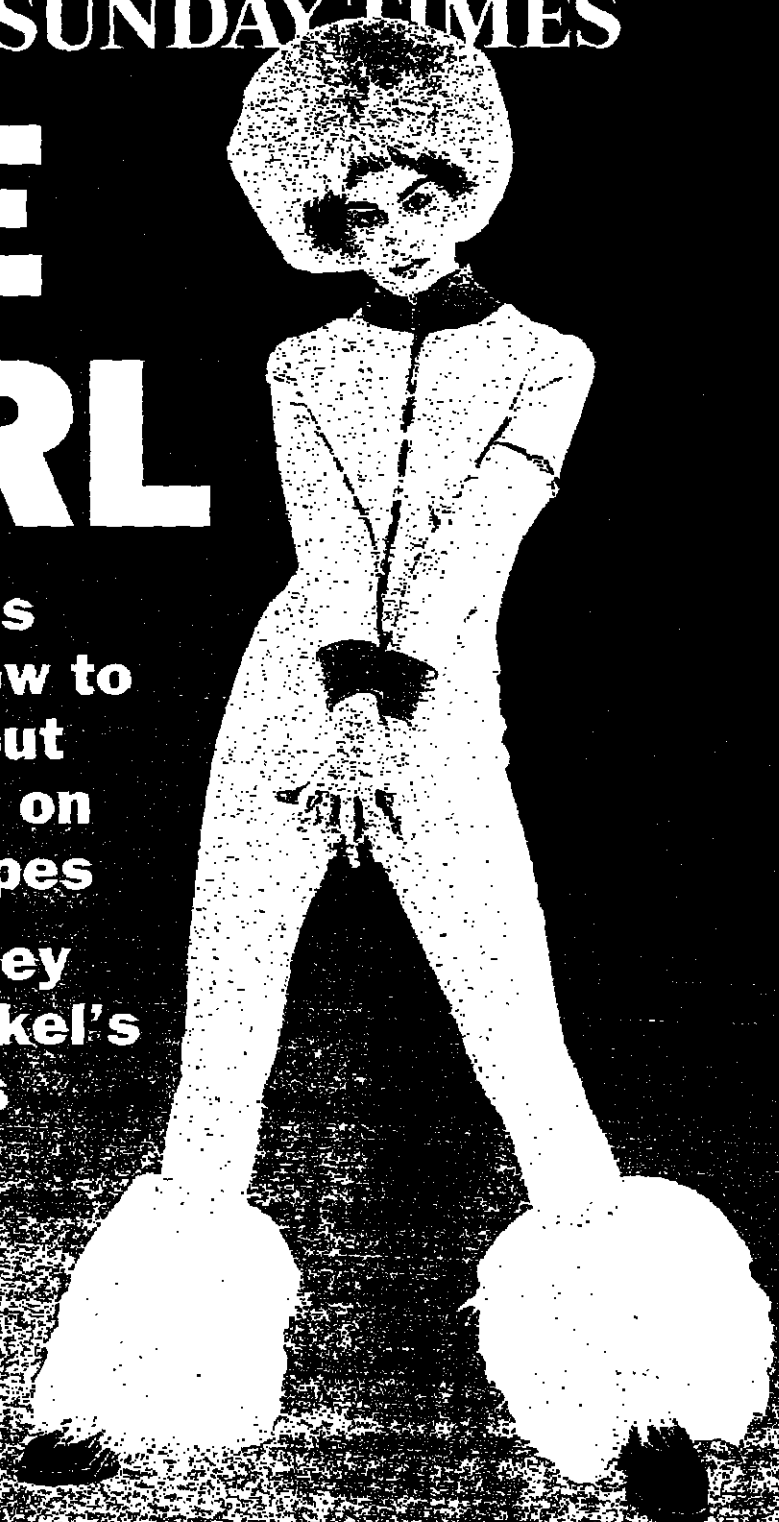
WHICH doesn't mean that I will stop looking for alternative routes to a good karma. Well, it was high time we reorganised the bedroom and, yes, there have been fewer harsh words since we moved the bed from under that beam. But perhaps that is down to the beneficial influence of Hale Bopp coursing its way through my house.

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Robert Crampton
meets Robert Lindsay,
the star of a
controversial new TV
play dealing
with euthanasia

Robert Lindsay's dad is right. The character his son plays is Derek Humphry, a former journalist who helped his terminally ill first wife, Jean, to commit suicide, then moved to America with his second wife and assisted in her parents' suicides. In America, Humphry founded, and is still associated with, a lobbying group called the Hemlock Society, which campaigns — with some limited success — for the legalisation of assisted suicide. Humphry, who left his second wife, Ann, while she was suffering from breast cancer — that much has been well-

● Valerie Grove is on holiday

[illegible]

Philip Howard



■ How do you rate non-PC stories, children?
a) Super or b) Smashing

A survey indicates that *Matilda* is the hottest film in town for the four to six-year-old cohort. This is as scientific as more expensive opinion polls. The sample may be smaller, but it is sounder because it was sampled by itself, not by street-corner bores with clipboards and silly questions. And the survey shows that little boys prefer the horrible revenge taken by a dear little schoolgirl on her ogress headmistress to spoiled dogs or toy astronauts, or even speaking piglets. And when the ogress swung a club round by her plaits as though throwing the hammer, and hurled her through a window, the gasps of delighted horror drowned even the munching of popcorn in the local Odeon.

So my Pepsi-straw poll confirms the solemn one done by researchers at Surrey University. After extensive studies of 9,000 children, they have concluded that children do not care a popcorn whether their books are politically correct or not. Very few thought it important that their books should reflect their age, sex, colour, class or country of origin. Their favourite author was Roald Dahl, the subversive godfather of *Matilda*. Enid Blyton came second.

"Gosh, I do think it's *mean*," said George fiercely. "All these horrid critics are so beastly about Aunt Enid and our adventures. It's not our fault that we Famous Five are all white and polite (most of the time) and come from a nice Home Counties family and have a dog called Timmy." "Don't be rude, George," said her mother. "And anyway, the unkind critics don't seem to affect Aunt Enid's sales." "Wood," said Timmy.

"Gosh," said George. "But I do agree with teacher about one thing. That *Matilda* girl of Mr Dahl's is *rude*. I think the children who voted for her rather than us must have been jolly badly brought up. And his *Twits* are simply *awful*." "Perhaps the children were just teasing the pollsters," said her mother. "But children do not simply copy what they read. They read to escape and adventure and float their imaginations. I remember that when I was your age, children were divided between the naughty ones who liked William and the Outlaws and that dreadful Billy Bunter, who came in a comic that we were forbidden to look at, and the good ones who preferred *Swallows and Amazons*. I even knew a boy who liked Angela Brazil better than any of them."

"Grown-ups have always disapproved of their children's reading," said George's father, looking up from his *Times*. "Once upon a time, the only stories for children came from the Bible and mythology. And you can see that those were not very nice from the wall paintings in church, and from the time when Uncle Quentin came up from Kilmory Island to take you to the National Gallery. All sorts of violence and evil and murder and goings-on that were even more unsuitable for the nursery bookcase."

"And when the Romantics started to write books especially for children," said George's mother, "they were not much better. I think Grimm's fairy-tales are sadistic. And Hans Andersen is not much better. Our native British tradition of children's stories about rabbits and other small furry animals may be anthropomorphic. But rabbits are safer."

"I am not sure about that," said George's father. "There is a decidedly Freudian subtext to *Alice*, and some deconstructionists find Freud even in loyal *Narnia*. If you lift up any of the classic children's texts you can find creepy-crawlies underneath."

"What's anthropomorphism?" asked George.

"Aunt Enid would say that it was too long a word," explained her father. "But I suppose it means that children should be allowed to adventure where they want in their reading and their imaginations. And if they want to treat their teddy bears and piglets as people, that is one way to learn the difference between beads of little brain and child-reading-experts of little brain. Children are going to read what they want, anyway. And if they choose to read about inane middle-class twerps like us, who are we to complain? We may lead them on to more satisfying adventures. Reading is like the escalator on the Underground. It leads you up to secret gardens and magic castles. And the journey would be no fun if there were not some spooky attics and saucy advertisements along the way."

The fall of President Milosevic could herald a new Balkan democracy — or chaos, argues Misha Glenny

Loosening the grip of Serbia's iron man

People in the former Yugoslavia never experienced the rush of collective joy which accompanied the collapse of communism in Berlin, Prague or Bucharest. For in Yugoslavia, the events of 1989 stirred up a whirlpool of constitutional chaos and destruction which swallowed up millions of innocents. Its vortex lay in Serbia.

The demographic spread of Serbs in the former Yugoslavia enabled the unscrupulous elites of Serbia and Croatia to indulge in a conflict which led to the annihilation of the Croatian periphery and then all of Bosnia. A Yugoslav friend remarked in 1991: "This war started in Serbia and it will end in Serbia." The vortex is now imploding.

In many respects, Serbia proper is now undergoing its 1989 revolution. President Milosevic succeeded in postponing the event seven years ago by transforming the fears and insecurities of ordinary Serbs into a frenzy of nationalist hatred.

Over the past two centuries, Serbia and the Serbs have suffered from a curious schizophrenia. On the one hand, Serbian nationalism has reflected the classic inferiority complex of small nations: it perceives itself as the victim of unscrupulous imperial power, be this Ottoman, German or, latterly, American. These marauding powers use their local lackeys, be they Croatian, Bosnian or Albanian, as a stick with which to beat the Serbs. On the other hand, in regional struggles Serbia has often tried to play the role which it imputes to the great powers — deploying superior force to resolve territorial issues in its favour.

Slobodan Milosevic was unable to resolve this contradiction. Having

started the Serbs on a programme of nationalist expansion, he found himself isolated by the international community. He dropped his opportunistic nationalism and presided over a massive defeat in Croatia and a partial defeat in Bosnia. Traumatized by war and international sanctions, regarded by the outside world as pariahs, ordinary Serbs are now waking up. Why did this happen? Who is responsible for making their lives such a misery? Mr Milosevic must now pick up a very expensive tab.

The mass opposition to his rule, which extends beyond Belgrade into dozens of towns and cities across the country, is the first sustained outburst of democratic sentiment from below in the current Balkan crisis. In contrast to the nationalism which so poisoned the country in the late 1980s and early 1990s, the demonstrations in Serbia are not being organised by a power-hungry clique, despite attempts by Mr Milosevic's ruling party to portray them in this light.

But the Serbian President is no longer in a position to play the nationalist card by implying that dark external enemies want once again to destroy the Serbs. Since he left the Croatian Serbs to hang and twist in the wind, nobody believes

any more that he is a resolute defender of Serbian national interests. Apparent disquiet about Mr Milosevic in the Yugoslav military (another organisation which the Serbian President has systematically abused) is a striking indication of how his authority is slipping. Nor is the international community fooled. The leopard has changed his spots too often for Washington, London or Bonn to consider him a reliable partner.

This could be the end. But Mr Milosevic is not yet politically buried and he is a far more adept operator than Nicolae Ceausescu, the Romanian dictator with whom several commentators have compared the Serbian President in the past few weeks. More importantly, the demonstrations in Belgrade and dozens of other Serbian cities are not merely a belated anti-communist revolution.

Undoubtedly, there are parallels with 1989. But the violent destabilisation of Yugoslavia over the past five years means that the assault on Mr Milosevic's tottering edifice has more profound implications for the Balkans. Serbia is still involved in varying degrees with the internal affairs of

Croatia, Bosnia and Macedonia. And it has a long-term domestic problem in Kosovo, where a restless Albanian population forms the majority. Kosovo may yet lead to war.

As the demonstrations grew in strength throughout December, the world media began examining the credentials of the protesters' two most influential leaders, Zoran Djindjic of the Democratic Party and Vuk Draskovic, head of the Serbian Renewal Movement. The *New York Times* implied that the former's connections with the Bosnian Serbs augured ill for the Dayton peace process. Some Western diplomats have voiced a preference for the devil they know, suggesting that Mr Milosevic's fall could trigger another round of Balkan chaos.

This misses the point. Mr Milosevic did not sign the Dayton agreement on his own behalf but on behalf of the rump Yugoslav state. New leaders would have no right to revise these accords unilaterally. In addition, the Zajedno coalition which co-ordinates the demonstrations is a very heterogeneous alliance. This diversity greatly reduces the possibility of capricious acts which might destabilise the Balkans again in the

event of Mr Milosevic losing power.

The insistence of the Organisation for Security and Co-operation in Europe that Mr Milosevic restore the results of the November local elections is absolutely correct and not an unwarranted interference. Mr Milosevic has been caught red-handed with his fingers in the till of democracy. The OSCE is not demanding his resignation, merely that he should respect principles which are non-negotiable if he wants to achieve his stated goal of reintegration into the European mainstream.

Should the Serbian President accept the democratic will of Serbs, it will probably start a steady erosion of his influence. If, however, he flouts the demands both of the Opposition and the international community, Serbia will again find itself isolated, perhaps provoking the dreadful vortex into turning.

There is no absolute guarantee that the Opposition will contribute to peaceful solutions in Bosnia or in Kosovo. But Serbia still holds the key to stability in the Balkans and the devolution of power away from Mr Milosevic's Socialist Party and the uncompromising neo-Communists led by his wife, Mirjana Markovic, would represent a tremendous encouragement to other democrats in the region. It is not just Serbia which groans under autocracy — in varying degrees, Croatia, Bosnia, Montenegro, Albania and Bulgaria suffer under the arbitrary rule of political and economic mafias. If their grip is not loosened, the Balkans will be left behind as the new millennium approaches.

The author's book *The Fall of Yugoslavia* is published by Penguin, £7.99

No such thing as a free lunch

Why do the greedy succumb to promises of wealth, or just something for nothing?

It is well known that a fool and his money are soon parted. But can there be so many fools as to keep the fires of folly and ignorance (particularly ignorance) merrily burning night and day?

I am sorry to say that the answer is a resounding yes, because my theme today is not just pointing to the fools, it is the greater, much greater, theme of greed. For the world is sprinkled with those who covet money more than anything else on earth, and will do anything, sometimes including murder, to get it.

Now I did not come here to tell the world that some people are crooked and some are greedy and — alas — some are foolish, and many, many are ignorant. There always were, and there always

will be, people who love money more than their lives. What I am writing about is human nature, something that I have studied throughout my life with astonishment, pity, horror, laughter, disgust, pain, weariness, rage and disbelief.

Especially disbelief. Because we shake our heads at folly, but we shudder — or we should — at greed.

That is where the great financial journalist Tony Hetherington comes in, for he is the greatest of all sniffers-out of crooks and wideboys and scoundrels, and many a decent and honest fool has been saved by Tony from the claws of the crooks. (Ah, but even that honest fool is seeking the stuff which Jesus threw out of the Temple, for there will always be the eternal booby thinking he can get something for nothing.)

Some examples. Take the eternal pyramid scam. You don't know what the pyramid scam is? You should be able to guess by the very name, but if you cannot, here it is. The scammer wheedles a chunk of money to start with, and the pitiful scammer is supposed to go out and get others to join the scam, and more and more money is supposed to pile up. Unfortunately, this never works (it is an exact parallel of the well-known chain letter) and so the scammer goes home anything up to a few thousand smackers short. One of Tony's most scummy scams was called Common Wealth, which had the impudence to use famous and respectable names such as "Invesco, Ashburton, Gartmore and

ProShare", all of which were horrified when they discovered that the shysters were using their names.

But what do you make of anyone — this is a true story — who, looking for modest riches and having a modest nest-egg, instantly succumbs when a reasonably smooth talker says: "We follow a simple philosophic principle — that if you wish to receive, you must first give." And on that statement and nothing else, the person seeking modest riches passes over all those modest riches to a group of polite, even charming money-makers. Don't take my word for it, but see how it ended.

Those who wanted to receive (in due course, naturally) had first to cough up £250 to be scammed, and had to go further and toss no less than £2,500 into the kitty, and the scammed one was to sign a document which included the words "rewards depend on my own efforts in introducing new members". Well now, I don't know about you, but I reckon that half a

dozen thousand pounds are quite a bit of the ready, particularly when it is all very lffy — very lffy indeed. And yet these scammers raked in the stuff as though it was moving time in the fields, and the scammed never asked for their money back until every scrap of it had disappeared — and disappeared forever.

I have sometimes asked the dithered person what was in his or her mind when he or she passed over a substantial chunk of money which was never seen again. The answer was always the same: "They looked very honest."

Now it is easy to make a face and say "greed", smiling as you do. To wish to have money is not in itself something bad. But take an absurd analogy: would you wade across a pool that was known to harbour crocodiles? And at night? I repeat: it is greed, yes, but it is not just greed. It is something much deeper and older. Once upon a time, a morrow man was a very special one. I remember from my childhood the golden sovereign that dangled from my grandfather's watch chain, even though from time to time the whole family came close to having an empty larder.

But what of this next kind of greed, though I still say that it is not only greed? Did you read about the story of what happened at Sheekey's? Sheekey's is a



fish restaurant in the heart of London, and has been there for 100 years. For such an unbroken line, surely something in the way of rejoicing was needed, and what better rejoicing can there be than a bite and a sup? So for one day, Sheekey's would serve its usual platters but at 1950 prices. And Sheekey's played up splendidly.

Now, Sheekey's can hold roughly 300 people at a go and a squeeze. Sheekey's had orders for 300 people with steamed cod and parsley sauce for 25p, or deep-fried mussels in orange and basil and bread-and-butter pudding for 15p, the idea being that the 300 would come, eat and go, in an orderly manner without getting enormous numbers of eaters eating exactly at the same time. Neat,

eh? Not quite. Because the queue started at 10 o'clock in the morning, and when Sheekey's opened, there was already a queue of more than a thousand people, waiting for a bite and a sup for nothing. Well, nearly nothing.

The queue began to be restless; so restless that the police were called. Remember that it was only about some steamed cod and bread-and-butter pudding (both of which I detest, incidentally). The manageress, Angela Falcone, explained at 3pm that there was no food left, and added: "It was absolute chaos. I could not believe how angry some people were."

I dare say. And one man in the queue said: "They made an offer and should honour it. We haven't even been offered

a coffee." How shocking. But if you looked at the newspaper photographs of the queue, you could see a substantial chunk of it. Whether the chaos that the manageress spoke of had started by then, the picture does not reveal. But what can be immediately seen is that the people in the queue are not tramps, down-and-outs, thugs or pickpockets. They are decent men and women, decently clothed and obviously able to pay what Sheekey's usually charges. What does that mean?

It means, surely, that ordinary people, not hungry or desperate for a pair of worn-out shoes, are steeped in the culture of "it's not actually stealing, so it's all right if no one is looking over our shoulder, and anyway we have to stay in the queue for hours on end".

That is the plebeian version, and we smile at it. We can smile, because we are not involved in the lunacies of, say, Morgan Grenfell. Remember Morgan Grenfell? I do, and I shook my head in wonder, but that is because none of my money was in Morgan Grenfell. And as for the Deutsche Bank (which came to the rescue of Morgan Grenfell), that most perfectly sound and honourable institution could say that "Deutsche Bank is understood to be looking for an outsider with impeccable credentials". Well yes. But when the laughter had died down the nonsense had not.

Oh, don't think these things happen only in Britain only. Money is coveted wherever head is on the banknotes, and this time they were Italian ones. "The head of the Italian state railroad system, one of the best-known figures in his country, has been arrested and detained for questioning on a broad range of criminal charges, including embezzlement, corruption, fraud, abuse of office, false accounting and criminal association." And criminal association. Wow!

There are thieves and burglars and robbers and scammers, and I can understand them, or I think I can. Embezzlement, too, and even the marshy waters of fraud. But what I cannot understand is the men who have great quantities of money — enough to keep them in every comfort forever — who break the law to get even more.

The cadgers of Sheekey's are really in the same boat, though they would deny it. And who are the men and women who lick their lips when they hear of a thing called a pyramid or a scam? They are the people who are about to be robbed, and many of them deserve it.

Beckinham chan shinken. That is a Yiddish phrase meaning literally "If it's free, it doesn't matter if it stinks". But that does not encompass Sheekey's thousand-long queue.

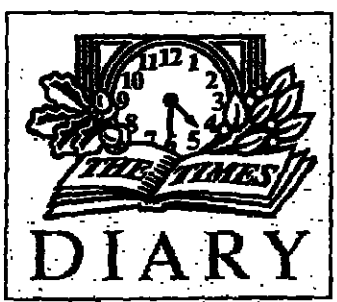
Jam tomorrow

MEMBERS of Parliament who retire this year are doing their best to make sure that the election takes place after the beginning of April. Their concern crosses party political boundaries, for each will be eligible to claim thousands of pounds if the dissolution of Parliament takes place in the new financial year.

Every MP who retires at the general election can claim up to £11,600 if the election is called after the beginning of April, the fees office at Westminster confirmed yesterday. This would be in addition to their retirement pay and pension. Should John Major call an election before April, however, they will not get the money.

"The office costs allowance was increased to £4,364," said the fees office. "If the election takes place after the new financial year, they would be entitled to claim up to a quarter of that."

About 80 MPs have announced their intention to retire at the general election, 62 of them Conservatives. Among Ulster Unionists, who hold the balance of power and could force an election by voting repeatedly against the Govern-



ment, only Sir James Molyneux is planning to retire. But yesterday he was unavailable for comment.

Other MPs who are stepping down at the election either claimed not to know of the generous allowance or were reluctant to talk about financial matters after the brouhaha about the huge pay rise they awarded themselves last year. "It's a sensitive issue," said one. "We don't want to stoke up the pay row that we saw last year again."

Late excuse
IN A FATUOUS attempt to justify its recurrent excuse for delayed

trains, Railtrack has saturated stations with a leaflet entitled *Just how do leaves delay trains?*

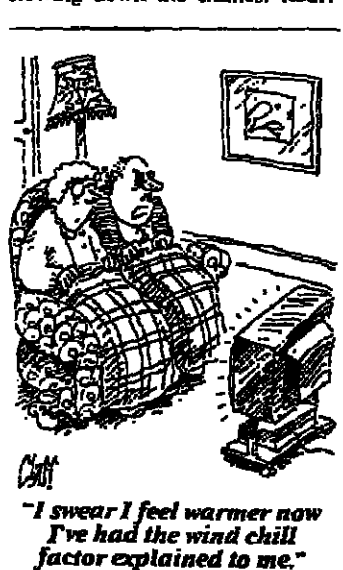
Train operators cannot be blamed, it explains, nor indeed can Railtrack: "Fallen leaves really do disrupt train services. And not just here in the UK but all over Europe and in the USA."

The leaves themselves take the blame: chestnut, sycamore, poplar and ash are damned as "the worst offenders". Crushed by passing trains, they "carbonise... into a hard, Teflon-like coating on the rails", leaving trains performing wheelpins and smoking impotently on their bogies.

● The bald singer Phil Collins stepped into Albanian national hero Norman Wisdom's shoes yesterday as president of Comic Heritage, which raises money for comedy-related events. Collins has never made me laugh, although he did once appear dressed as a tramp with the great master Ronnie Barker in *The Two Ronnies*.

Real clanger
MADRID was full of choking Spaniards on New Year's Eve as the Puerta del Sol clock. Madrid's Big Ben, chimed 12 at double speed. Fast chimers would be no problem

in Britain, but in Spain they like to eat a grape for each chime to bring in the year. Normally the clock's chimes come every 2.7 seconds. This year, however, because of restoration work, they resounded every 1.4 seconds, leaving Spaniards in the square beneath the clock — and those watching on television — with juice dribbling down their chins and cheeks full of pips. The city's horologist-in-chief, Vincente Rodriguez, has been blamed for not slowing down the chimes. Rodriguez



guez, however, is a sombre home-bronze, jealous of his reputation. Like a real man, he has passed the buck on to his superiors.

Great Scott

OVERLOOKED among most Honours List reports is the KCMG awarded to David Gore-Booth, British High Commissioner in Saudi Arabia. It was not so long ago that his chances of advancement took a dive when he was criticised in the Scott report for failing to acknowledge the fact that mistakes in his department might have contributed to "the lamentable fact that a misleading submission had been placed before" William Waldegrave, then Minister of State at the Foreign Office.

Paris cheek

PARISIAN subtlety has yet to infect the brutish charms of Alexander McQueen, the recently appointed British designer-in-chief at Givenchy. In an interview with *Paris Match*, McQueen, 27, whose most notable achievement to date has been the creation of "bumster" trousers, a transference of plumber chic to the catwalk, is pictured in



Piggy in the middle: Galliano (left), McQueen and Westwood.

Givenchy's elegant salon wearing ripped jeans and bower boots and holding a beer.

He dismisses John Galliano, who moved from Givenchy to Dior, as a man of the 1980s and calls Vivienne Westwood "ridiculous" for the strong historical element in her clothes, saying: "No one wants to dress up in period costumes." "In London, I am at the top," says McQueen, "and I don't want to be drowned by Paris." First stage in his tough-guy strategy is not even to bother learning French. He then plans to show his first ready-to-wear collection away from Paris, as

he finds it all far too pretentious.

● Harbour police were called out on New Year's Day to help to clear up the mess left from hundreds of parties on yachts and on the waterfront the previous evening in the tiny harbour of St Barts in the Caribbean. Sylvester Stallone and Robert De Niro were among the crowds who thronged to the Caribbean island where thousands of champagne bottles and the occasional bird had rendered the water hazardous.

P-H-S



A TALE OF TWO ELECTIONS

Ministers should concentrate on winning the first

Short of installing 40 new telephone lines outside the Department of Health, Stephen Dorrell could not have more blatantly signalled his pessimistic diagnosis of the Prime Minister's condition, nor the feverish nature of his own mind. Mr Dorrell's decision to share with the world his wish for Britain to renegotiate its membership of the EU is a display of ambition too naked for this chilly January. Presented as a helpful thought on how the Tories might position themselves for the general election, it is a crude attempt by Mr Dorrell to position himself for a Tory leadership election. It would be unrealistic to imagine that politicians could ever stop calculating how events might advance their own careers. But in their own interests, their party's, and the country's, many of the current Cabinet contenders should show greater maturity.

Although Labour enjoys an historically high and apparently unshakable opinion poll lead, the Conservatives could still win the general election. The party's activists certainly think so. Every intervention like Mr Dorrell's, however, makes defeat more likely by revealing that ministers do not have as much faith in their party's electability as its lowlier members. Such interventions close to the general election do not render their makers any more attractive as potential successors to John Major.

Fellow ministers grown used to office colleagues anxious to hold marginal seats and voters who fear a Labour government will not thank ministers who are attracting attention to their leadership campaigns rather than the party's general election effort. More likely to command, and deserve, respect are those ministers, such as Malcolm Rifkind and Michael Portillo or even William Hague and Ian Lang, who are concentrating on doing their current jobs well rather than soliciting for another.

What makes Mr Dorrell's intervention all the more clumsy is its synthetic feel. Other ministers, most notably Gillian Shepherd and Michael Howard have been energetic in

courting backbench attention, but their positions have seemed more natural. The stance the Education Secretary struck on corporal punishment and, to an even greater extent, the interventions by the Home Secretary on Europe are consonant with their political personalities and history. Considering his record, Mr Dorrell's embrace of renegotiation is as unexpected a sight as a bishop in a bookmaker's. A persistent wet, to the left even of Chris Patten, he is an unlikely champion of the sceptic cause. Mr Dorrell's conversion may be genuine but the suspicion must remain that when he leans to the right he is really just tacking into the wind.

The Tories would be well advised, if defeated, not to choose a new leader in haste, lest they have the leisure of long years in opposition to repent. There will be pressure for an early change. Mr Major might be tempted to resign. The rules allow him to be challenged within three months of a new Parliament meeting, which could mean July if there is a general election before May. The Conservatives, however, would probably be better waiting until at least November before contemplating change.

Neil Kinnock's insistence on resigning quickly after defeat in 1992 meant that Labour chose the obvious, rather than the best, leader. It was only tragedy which saved Labour from its folly. The Conservatives should learn from Labour's lesson and have a proper post-mortem before contemplating change. The party conference could be part of that process. A leader chosen by under 300 shell-shocked MPs, a third of whom are new, and two thirds of whom are in safe seats, is unlikely to be as capable of winning back Tory support as a candidate who can prove on the public platform that he can reach out to activists from lost marginals. If the Tories are to have any chance of winning this spring, or in the future, they must ensure that their traditional tunes of free enterprise and a free nation are sung by men who know the words by heart.

SMALL CRASH, NOT MANY HURT

Ten years ago: Black Monday was a blip en route to boom

On October 19, 1987, the Dow Jones industrial average, the benchmark indicator for American and global share prices, fell by 508 points, or 25 per cent, in one day. Even before lunchtime, as the London stock market and the bourses of Europe closed down with record losses, the whole world had learnt to describe it as Black Monday, an echo of the 1929 Wall Street Crash. It seemed to symbolise the end of an era.

The astonishing nature of that day's events on Wall Street was illustrated by the reactions of two of the star participants, figures who still dominate finance today. Alan Greenspan, then recently appointed as Chairman of the Federal Reserve Board, had left Washington that morning to deliver a speech in Dallas. When he took off the Dow was down "only" 300 points. On arriving in Dallas his first question was how the market had closed. "Five-o-eight down," came the answer. Mr Greenspan responded with relief. "So it ended just 5.08 down? I knew it would bounce back after lunch."

Meanwhile back in New York, George Soros, who had just earned his first cover story in *Fortune* as the "world's greatest investor", was suffering the worst day so far in his turbulent financial life. Mr Soros had bet his entire fortune, as was his wont, on a seemingly foolproof wager: Wall Street might eventually fall, but when it did, the vastly more overvalued market in Tokyo would fall much further. But, defying all logic, Tokyo fell only slightly and he was forced to capitulate, taking a loss of \$700 million as he liquidated thousands of futures contracts into the tumbling market. "Technically this is 1929," he despairingly told the *Financial Times*.

Misses Greenspan and Soros, along with thousands of others, were wrongfooted on the day by the market panic. But, with the benefit of hindsight, their phlegmatic initial stance was clearly right — 1987 was not a year for panicking like it. After the 1929 crash, shares took more than 20 years to recover their peak levels. After 1987, a rebound began almost immediately. A recovery took less than two years. Anyone "foolish" enough to have bought American shares at their pre-peak in July 1987 would now be more than twice as rich. And Mr Soros was right about the real locus of instability in the world economy. The Tokyo market and the Japanese financial system did eventually collapse. The crash in Tokyo was genuinely comparable to 1929: seven years after the Tokyo crash, Japanese shares are still worth less than half what they were at their peak.

What conclusion can be drawn by today's policymakers and investors? Stock market investment is a risky game in the short run, but offers rich rewards for those with a steady nerve. Share prices do not rise in a straight line. After the past two years of bumper profits a period of bumpy trading may lie ahead. But in the end the value of companies reflects the performance of economies. In 1987 the capitalist world was on the threshold of a new era of prosperity. The financial markets' confidence proved well founded in 1987. Will the same be true ten years later? The answer is "no", to judge by the falls in stock markets around the world yesterday. But one day's trading is no guide to what lies ahead, either for the markets or for the world economy — that is the one sure lesson from Black Monday.

PLOTTED AND PIECED

Common law and common sense support the hedgerow

Britain's countryside is defined by its hedgerows: ancient, vibrant corridors of wildlife between its fields and pastures that leave the landscape "plotted and pieced — fold, fallow, and plough" in the words of Gerard Manley Hopkins. Postwar farming, however, has wreaked more destruction on this timeless aspect of England's glory than bombs ever caused to its cities. Mile upon mile of hedgerow has been uprooted to create pastures for combine harvesters. Huge swaths of countryside have been swept bare of all defining features in the scramble to grow ever more, ever more intensively.

Yesterday's victory in Hull County Court by a campaigner demanding the enforcement of a 1765 Enclosures Act that forbids the destruction of any hedgerow is therefore a landmark judgment in every sense. It may, finally, give legislative teeth to faltering government attempts to combat the pernicious effects of the common agricultural policy. It will certainly influence the Government's promised hedgerow legislation.

The issue on which Colin Seymour brought his challenge may be trivial, and arguably against the interests of his village, which wanted to build a bowling green in place of an ugly, tinkered hedge. But the precedent is immensely important, and conservationists across the country have recog-

nised the wider implications. There are around 4,500 different Acts in England and Wales that control the 40,000 miles of hedgerow, so a blanket interpretation of the one in question may be difficult. Producers can now challenge the uprooting of ancient hedges — lost at the rate of 5,000 miles a year between 1946 and 1974. And the ruling may even oblige farmers and developers to replant some of those already destroyed.

Hedgerows are not only aesthetic boundaries framing the intimacy of Britain's fields; they are cover, breeding grounds and sources of food for bank voles and wood mice, linnet's, redwings and chaffinches, and hunting corridors for weasels and stoats. Sheep and cattle find windbreaks; and even motorists are protected from ice and snowdrifts by their shelter.

Mr Seymour has made litigation a lifetime obsession. That does not diminish the importance of his reaffirmation of the ability of a determined individual, through the dogged pursuit of ancient rights, to insist on common law being applied with common sense. "See, banks and brakes now leaved how thick! Laced they are again with pretty chevrons," Hopkins wrote. Thanks to Mr Seymour, East Anglia's unbroken flat vistas may again be dotted with white thorn flowers and scarlet berries.

Risks of justice on the cheap

From Professor William L. Reynolds and Professor William M. Richman

Sir, As American law professors, we are distressed to learn that the judges of the British Court of Appeal are planning to hire young lawyers as American-style law clerks, to assist them with an ever-growing caseload (reports, November 15, 29). That is a most unfortunate expedient, judging from the long and unhappy experience of American appellate courts, and we trust that Britain will learn from our experience.

The use of judicial assistants, both here and in Britain, is prompted by a desire to save judicial resources, a goal which can be realised only if the judges delegate significant decision-making authority to them. All judges love delegation: it permits them to avoid personal involvement in the less interesting cases involving apparently routine problems of poor persons.

British judges will soon realise, of course, that if they hire more assistants they can avoid an even larger number of unpleasant and dreary cases. It is but a short step from that realisation to the hiring of assistants who are not responsible to individual judges but to the court as a whole, who do not work under individual judicial supervision and who handle the least exciting cases of all.

The result, in America at least, is that an ever-increasing number of law clerks bear an ever-increasing responsibility for decision-making. While the real judges reserve their energies for the "important" cases, the clerks effectively decide the "less important" cases involving the poor and powerless. The process seems irreversible: once judges realise that more clerks make it easier for the judges to distance themselves from the commonplace problems of the mass of society.

Politicians embrace the trend towards more judicial assistants because it saves money: they are cheaper than judges. The only losers are the poor — and some vague abstraction called justice.

Yours sincerely,
WILLIAM L. REYNOLDS,
WILLIAM M. RICHMAN
(Toledo Law School),
University of Maryland,
School of Law,
500 West Baltimore Street,
Baltimore, MD 21201-1786,
December 30.

Customer service

From Mr A. D. MacPherson

Sir, The Today programme on Radio 4 this morning spent considerable time on the improvements in customer service as a result of privatisations in the last 17 years, but I wonder if the following example from the US can be improved upon?

Yesterday evening, I was talking on the telephone to a close friend in Newport, Rhode Island. She told me that they had come home after a New Year's Eve party at 1.30am to find that their central heating had broken down (the ambient temperature was 12 degrees below freezing). They rang their oil contractor's repair service and by 3am the installation had been repaired and was in full working order again.

Yours sincerely,
A. D. MACPHERSON,
Stillwaters, East Street,
Milborne Port, Sherborne, Dorset,
January 2.

Investigations of MPs

From Sir Gordon Downey, Parliamentary Commissioner for Standards

Sir, The article by Andrew Pierce ("Tories face poll setback on cash for questions", December 30) is misleading in a number of respects. The facts are as follows:

- the allegations against Members of Parliament by Mr Al Fayed and *The Guardian* gave rise to two inquiries, not one. The first is well advanced; most of the evidence has been heard; and I hope to report my conclusions to the Select Committee on Standards and Privileges early in the New Year;
- the second concerns Mr Hamilton and others. So far as possible, this is being conducted concurrently with the first. But the allegations against Mr Hamilton have only recently been confirmed by *The Guardian* and Mr Al Fayed; and, despite repeated promises, much of the supporting evidence is still awaited;
- as yet, *The Guardian's* allegations against others have not been formally specified nor has the supporting evidence been supplied;
- Independent Counsel is assisting me in my inquiries. The Treasury Solicitor is not involved;
- resources are not a constraint: nor have I complained of inadequate photocopying facilities;
- in the absence of relevant evidence, there is no target date for this report but I would hope that the inquiry would be concluded well ahead of a dissolution of Parliament. Publication is a matter for the Select Committee.

Yours faithfully,
GORDON DOWNEY,
House of Commons,
December 30.

Letters for publication may be faxed to 0171-782 5046.

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

MPs' accord over ex-service unit

From Mr Alfred Morris, MP for Manchester Wythenshawe (Labour and Co-operative)

Sir, The letter from the Secretary General of the Royal British Legion (December 24) is a timely reminder of the Government's failure to arrest the growth of parliamentary support for my early day motion (19) calling for an ex-service affairs unit in Whitehall to address the problems and needs of ex-service people and their dependants.

Indeed, the more strongly ministers criticise the motion, the more support it attracts from MPs of all parties. This is not an issue that divides one side of Parliament from the other. Instead it is fast becoming one that divides Government from Parliament as a whole.

The letter of the same date from Lord Mackay of Ardbrecknish does

not help the Government's case. If there were any substance to his fears of "expensive duplication" and "an extra layer of bureaucracy", the same would apply just as strongly to the Government's creation of a unit to co-ordinate its policies on disability issues.

Lord Mackay's letter reminds me of a Conservative MP's wise advice to his former colleagues at the Ministry of Defence, when we were campaigning for a better deal for war widows in 1989. He asked them to recognise that the Government's only real choice was whether or not to retreat gracefully. We must hope that this time they make the right choice.

Yours faithfully,
ALFRED MORRIS,
House of Commons,
December 30.

Lessons of the past on Hong Kong

From Sir Percy Cradock

Sir, In your leading article, "Midnight chimes" (December 24), you rightly present the termination of the existing Legislative Council and the setting up of the provisional legislature as a serious setback to democracy in Hong Kong. But you omit to mention the cause, namely the British attempt since 1982 to impose unilateral electoral changes.

We had repeated Chinese warnings, going back over years, of what would happen if we took that course. They were disregarded. In consequence, instead of a through-train for an elected legislature, as was agreed with China before 1992, we have a Chinese-appointed body. The provisional legislature is no isolated Chinese act, but the Patten policy come home to roost.

We cannot hope to develop sensible policies towards China and Hong Kong in the future if we refuse to face the facts of the past.

Yours faithfully,
PERCY CRADOCK,
Reform Club, Pall Mall, SW1,
December 27.

Sexism in the Church

From the Reverend Malcolm A. Johnson

Sir, Would someone please point me in the direction of Prince Charles's "pathetic politically correct progressivism" in the Church of England (leading article, "Charles and his Church", December 30)? After 34 years as a priest I see no sign of them.

Our bishops, carefully vetted by 10 Downing Street, are chosen by a secret cabal called the Crown Appointments Commission; there are no women bishops or deans and very few women archdeacons, residential canons or incumbents. Some congregations will not have their ministrations at any price and have their own bishops.

Homosexual clergy, approximately 15 per cent of the workforce, are told to lead celibate, hidden lives and ethnic minorities still experience the cold shoulder in many congregations. The General Synod continues to be obsessed with ecclesiastical legislation and internal problems.

A few politically correct progressives might bring us some much needed new life in 1997.

Yours faithfully,
MALCOLM JOHNSON
(Master),
The Royal Foundation of
Saint Katharine,
2 Butcher Row, E14,
December 30.

Sounds of silence

From Mr Eric R. Stevens

Sir, Your leading article, "Imperfect peace" (December 24), considering the relationship of noise and peace was, I feel, unnecessarily one-sided.

Why should the noise of beepers be any less acceptable than the noise of church bells? Surely there was a case for balancing the issue by identifying some, at least, of the benefits of modern technology in overcoming noise.

My nights are now totally undisturbed owing to the marvels of silent digital clocks and watches which have

Currency control

From Miss Adrienne May

Sir, Of course, as Mr John Evert suggests in his letter (December 28), citing mine of December 21, exchange rates taken out of their economic context can be misleading, but a weak economy begets a weak currency. That is what devaluation has been about. The pound has done, in many cases, much worse than other world currencies; therefore, other than for reasons of sentiment why should it be so important to retain it?

Mr Evert asks whom I would like to control the economy: certainly not any political party in power, here or elsewhere. It is too open to gerrymandering. Nor the Bank of England, subservient to government, immersed in the City "old boy network", that failed in the BCCI and Barings affairs. If a Eurobank could run our economy as well as the Bundesbank has for Germany, then why not? It all depends on the solidity of the convergence criteria.

We must stop fooling ourselves that we in the UK are chosen by God to lead the world, superior morally, intellectually, democratically, judicially and dynamically. This attitude, bordering on xenophobia, is what I find so distasteful in the Europhobic wing.

Yours faithfully,
ADRIENNE MAY,
2 Burton Close,
Nr Walsingham, Norfolk,
December 28.

Replaced those quaint but noisy clockwork devices

replaced those quaint but noisy clockwork devices. Thick lagging and double glazing, installed primarily for heat conservation, keep out external noises. My house is silent, and certainly quieter than Cader Idris.

Your assessment of the Buddhist on the mountain confuses solitude and silence. The two are not synonymous. With 60 mile an hour winds he may be alone but he will not enjoy silence.

Yours etc,
ERIC R. STEVENS,
Scotney, Southover Place,
Spring Lane, Burwash, East Sussex,
December 24.

Ribbons or bows?

From Dr Helen Walters

Sir, In a recent trade paper I read with interest an article about bow-ties. The ability to do one small item of clothing that instantly made you "stand out from the crowd" and appear "distinctive, artistic and thoughtful" was very attractive.

My only problem is, as a female GP, what do I wear to achieve the same effect?

Yours sincerely,
HELEN WALTERS,
Kyarebay,
34 New Road, Whitehill, Hampshire.

'Perilous state' of theatre funding

From Sir Peter Hall

Sir, I must take issue with Richard Morrison. In his round-up of the arts in 1996 ("Cheers, tears and a lot of hot air", December 28) he wrote: "The wails about falling subsidy were as doleful as ever, particularly from the arts folk."

This is almost worthy of a Tory Arts Minister in full voice. Shouldn't Mr Morrison be backing the theatre people? Has he not noticed the perilous state of funding of our regional theatres? Doesn't he know that they provide our future audiences as well as our future professionals? Doesn't he know that the finances of our major national companies are dangerously fragile? If he really believes that there is enough money for the arts, I beg him to think again.

Morrison, after his gibe, continues: "Yet Sir Peter... announced six new plays and much else for the revitalised Old Vic."

The Old Vic season is the result of the philanthropy of two Canadians, David and Edward Mirvish. They have saved the Old Vic, refurbished it and are backing the season. The fact that I have been lucky enough to have generous patrons should not be used to obscure the current very real woes of the theatre.

Yours sincerely,
PETER HALL,
The Peter Hall Company
at the Old Vic,
Waterloo Road, SE1,
December 30.

Winning spirit

From Mrs Eloise Akpan

Sir, Matthew Parris describes Mrs Frances Lawrence as a victim (article, December 23). It is exactly because of her refusal to lie down and be a victim that I, for one, voted for her as the *Today* programme's Personality of the Year.

She is a fighter, and let us hope that with the help of the rest of us she turns out to be a winner in her campaign.

Yours faithfully,
ELOISE AKPAN,
28 Hurststone Road, SE25,
December 24.

Penny wise

From Mr David Buchan

Sir, The new £2 coins (report and picture, December 18) are all very well. The real requirement are 99p and 49p coins.

Such denominations would save so much hassle at checkout tills — not to mention wear and tear on purses and trouser pockets. For once a penniless state would be something of a bonus.

Yours faithfully,
DAVID A. BUCHAN,
13 Daimler Way, Wallington, Surrey,
December 24.

And by the way...

From Mrs Muriel Teece

Sir, In this wonderful age of word-processing, when a mistake, an extra paragraph, any further thoughts can so easily be deleted from or inserted into the typewritten work, why do so many of the mailshots I receive from banks, double-glazing firms, MPs etc have a PS?

Yours faithfully,
MURIEL TEECE,
32 Belgrave Road,
Great Boughton, Chester.

Eye of the beholder

From Mrs Annette Haswell

Sir, New parents are nowadays to be congratulated on producing, according to the births columns, beautiful daughters, handsome sons, enchanting twins.

We got boiled-looking, angry babies; where did we go wrong?

Yours faithfully,
ANNETTE HASWELL,
The Grey House,
Lymington, Folkestone, Kent.

Fathers who smoke

From Lord Kilbracken

Sir, I wrote (letter, December 30) to reassure smoking fathers "who have young children". My eldest child, Christopher, now writes (January 1) to inform you that he is 52 today.

This is indisputable but not entirely relevant. My youngest, Sean, turned 15 in November.

Yours faithfully,
JOHN KILBRACKEN,
Killegar, Co. Leitrim,
January 1.

Real time?

From Dr Kenneth Swinburne

Sir, There is surely something very strange about a wristwatch, as advertised on your front page (December 23), with an implicit life of 4.5 billion years, and a guarantee of only three years. Can you advise?

Yours sincerely,
KENNETH SWINBURNE,
16 Foxhill Crescent,
Leeds, West Yorkshire,
December 23.

Business letters, page 27
Sport letters, page 38

SOCIAL NEWS

The Princess Royal, President, Royal Yachting Association, will visit the London International Boat Show, Earls Court, London SW5, on January 8.

Premium Bonds

The £1 million prize in the Premium Bond draw for January, 1997 was won with bond number 2678 19238. The winner lives in South Yorkshire, and has a bond holding of £6,000.

Birthdays today

Brigadier Sir John Anstey, former president, National Savings Committee, 90; Mr David Aderton, conductor, 53; Earl Baldwin of Bewley, 99; Mr John Bamber, former Principal, Leighton College, Oxford, 76; Mr Michael Barrar, broadcaster, 69; Mr Victor Borge, pianist and comedian, 88; Mr Keith Brookman, trade unionist, 60; Sir Robin Butler, Cabinet Secretary, 59; Sir Bryan Carberg, former Director-General, Office of Fair Trading, 58; Mr Fran Cotton, former rugby player, 49; Sir Alastair Forbes, former president, Court of Appeal, 89; Mr Mel Gibson, actor, 41; Sir Richard Hanbury-Tenison, Lord-Lieutenant of Gwent, 72; Sir Roy Harding, education consultant, 73; Mr Gavin Hastings, rugby player, 35; Mr Robert Hughes, MP, 65; Admiral Sir Michael Layard, 61; Miss Anna Lindén, former ballerina, 64; Sir George Martin, composer and record producer, 71; Mr Eric Martlew, MP, 48; Sir Carol Mather, former MP, 78; Mr Siegmund Nissel, former member, Academic Quarter, 75; Sir John Riddell, extra equerry to the Prince of Wales, 63; Miss Elyse Roberts, former deputy director, Consumers' Association, 85; Mr Graham Ross, Russell, former chairman, EMAP, 64; Mr Nicholas Schole, chairman and chief executive, Jaguar, 53; Mr Michael Schumacher, racing driver, 28; Mr R.R. Steedman, architect, 68; Mr Matthew Taylor, MP, 34; Mr John Thaw, actor, 55; Mr David Vine, sports commentator, 62.

Scottish judiciary

Lord Cullen to be Lord Justice Clerk in succession to Lord Ross who will retire on January 7. Lord Cullen is a Senator of the College of Justice in Scotland. He chaired the Court of Inquiry into the Piper Alpha disaster and undertook the public inquiry into the Dunblane tragedy.

Appointment

Sir Timothy Garden succeeds Professor Sir Laurence Martin as Director of the Royal Institute of International Affairs (Chatham House).

Magnificent Edwardian courts are back in session again

Northern splendour survives £1.2m refit

BY MARCUS BINNEY
ARCHITECTURE
CORRESPONDENT

WORKMEN are putting the finishing touches to an immaculate £1.2 million restoration of one of the finest groups of law courts in the North of England. The magnificent Edwardian Sessions House in Preston looked down on the town for over a century and a half, but its splendour was in danger of being lost. The Lord Chancellor's Department, which has led the restoration, has now completed the work.

Brian Tower, the project architect at the Hurd Rolland Partnership, said: "We have had to make quite a few changes but our brief was that at the end of the job no one should be aware of them."

The latest Home Office regulations demand facilities that many old court buildings do not provide, including separate access for witnesses and jury members.

"We have reversed all the furniture in the courtrooms so that witnesses come in from the same side as the judges and share their privacy," Mr Tower said.

A court spokesman explained: "The High Court judges will sit here on more serious cases. The old courtrooms have the advantage of much larger public galleries, taking 40 people rather than 20. Seats are separated by a central aisle so that in a tense murder trial, the victim's family can be seated on one side and the defendant's on the other with a security guard in between."

At the same time the central dock in each court, which seated only four, has been enlarged to take eight or more. "Defendants in the old days must have been much stunner," was one comment.

Preston's handsome Sessions House was designed to complement the magnificent Greek Revival Harris Library and Art Gallery next door which was completed 12



The superbly refurbished hall of the Edwardian Sessions House at Preston

years earlier. The court's 170ft-high tower is a match for the spires of Wren's City of London churches and the bold Baroque façades with elaborate wrought iron balconies have the sophistication of French 18th-century public buildings.

The courts were designed by Henry Litheridge, a young architect who also designed the girls' grammar school at Lancaster. The sculpture including statues of Hercules and Britannia and much of the interior decoration and detailing was done

largely to the designs of Gilbert Seale, responsible for much of the sculpture at the Old Bailey in London.

When the court reopens next month, the judges will once again use their own imposing stone staircases and the public gallery under a magnificent domed hall with a black and white marble floor. The twin courts are as sumptuous as many City law courts, with a distinctly northern touch of polished green glazed tiles on the lower walls.

Among other new features

the refurbished courts have interviewing rooms for lawyers, robing rooms, child waiting rooms, an even smoking room for what was a no-smoking building.

They are wired for video links allowing child witnesses to give evidence without entering court.

James Stevenson, the partner in charge of the project at Hurd Rolland, said: "You can get more out of an old building than a new one, providing exciting spaces and showing there is life in the old dog yet."

BARRY GREENWOOD

Forthcoming marriages

Mr A.J. Perham and Miss A.E.M. Napier. The engagement is announced between Andrew, eldest son of Dr and Mrs Geoffrey Perham, of Plymouth, Devon, and Araminta, younger daughter of the late Hon. Greville Napier and of the Hon. Mrs Greville Napier, of Treford, West Sussex.

Mr W.S.G.A. Cane and Miss O.P. Jilks. The engagement is announced between William, youngest son of Sir Peter and Lady Cane, of London and Whitechapel, Wiltshire, and Olga, younger daughter of Colonel Pavel Jilks, of Moscow, Russia.

Mr E.D.V. Bevan and Miss D.K. Black. The engagement is announced between Edward, son of Mr N.V. Bevan, of Shiplake, and Mrs A.G. Phillips, of Stamford, and Deborah, daughter of Captain J.T. Black, of Black, of Black, of Thatchfield, Hampshire.

Mr M. Brown and Miss G. McDermott. The engagement is announced between Matthew, son of Mr and Mrs David Brown, of Wesley, Essex, and Geraldine, daughter of the late Mr Francis McDermott and of Mrs Elizabeth McDermott, of Liverpool.

Mr J.A. Constantinidis and Miss J.M. Warburton. The engagement is announced between John, son of Mr and Mrs Constantinidis, of Johannesburg, South Africa, and Juliet, younger daughter of Mr and Mrs Raymond Warburton, of Sheffield, South Yorkshire.

Mr G.C. de Castro Caneles and Miss S.E. Mifford. The engagement is announced between G.C. de Castro Caneles, son of Senor Jose Jorge Caneles and Senora Maria Fernanda Caneles de Castro Caneles, of Golega, Portugal, and Sarah, eldest daughter of Dr and Mrs Tim Mifford, of Buxton, Hampshire.

Mr A.K.O. Gough and Miss C.J. Shaw. The engagement is announced between Alastair, son of Mr John Gough, of Faringdon, Oxfordshire, and Mrs Pat Gough, of Clifton, Bristol, and Catherine, daughter of Mr and Mrs Sam Shaw, of Durban, South Africa.

Mr T.E. Burchett and Miss A.L. Dwyer. The engagement is announced between Tony, son of Mr and Mrs E.F. Burchett, of Pembury, Kent, and Andrea, daughter of Mr and Mrs Tony Dwyer, of Lifford, Sussex.

Mr M.N.S. Edwards and Miss L.M. Granville. The engagement is announced between Michael, only son of Mr and Mrs Jonathan Edwards, and Lucy, only daughter of Mr and Mrs Richard Granville.

Mr R.R. Griesthorpe and Miss M.W.M. Veltman. The engagement is announced between Richard, only son of Mr and Mrs D.A. Griesthorpe, of Kirkstall, Fife, and Marjorie Wilmshurst, only daughter of Mr and Mrs J.C. Veltman, of Wiveton, Norfolk.

Mr G.J. Holden and Miss C.D. Thompson. The engagement is announced between George, son of Mr and Mrs P.S. Maxwell, of Yeshiva Farm, Chipping, Hereford, and Daphne, daughter of Mr and Mrs N.R.F. Campbell, of Carterhaugh, Selkirk, Scotland.

Mr M.C. Pigg and Miss K.L. Bell. The engagement is announced between Marcus, son of Lieutenant-Colonel and Mrs David Pigg, of Witleigh, Surrey, and Kate, daughter of Mr and Mrs Timothy Bell, of Llangedwyn, Powys.

Mr M.R. Preston and Miss K. Whitaker. The engagement is announced between Mark, son of Brigadier and Mrs Roger Preston, of Thornthorpe, North Yorkshire, and Kate, second daughter of Mr and Mrs Robert Whitaker, of Ravenshoe, Cheshire.

Mr C.E. Maxwell and Miss D.K.E. Campbell. The engagement is announced between Clayton, son of Mr and Mrs P.S. Maxwell, of Yeshiva Farm, Chipping, Hereford, and Daphne, daughter of Mr and Mrs N.R.F. Campbell, of Carterhaugh, Selkirk, Scotland.

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OBITUARIES

LORD HARVINGTON

Lord Harvington, PC, as Robert Grant-Ferris Conservative MP for St Pancras North, 1957-74, for Nantwich, 1974-79, and Deputy Speaker of the House of Commons and Chairman of Ways and Means, 1979-84, died on January 1 aged 89. He was born on December 30, 1907.

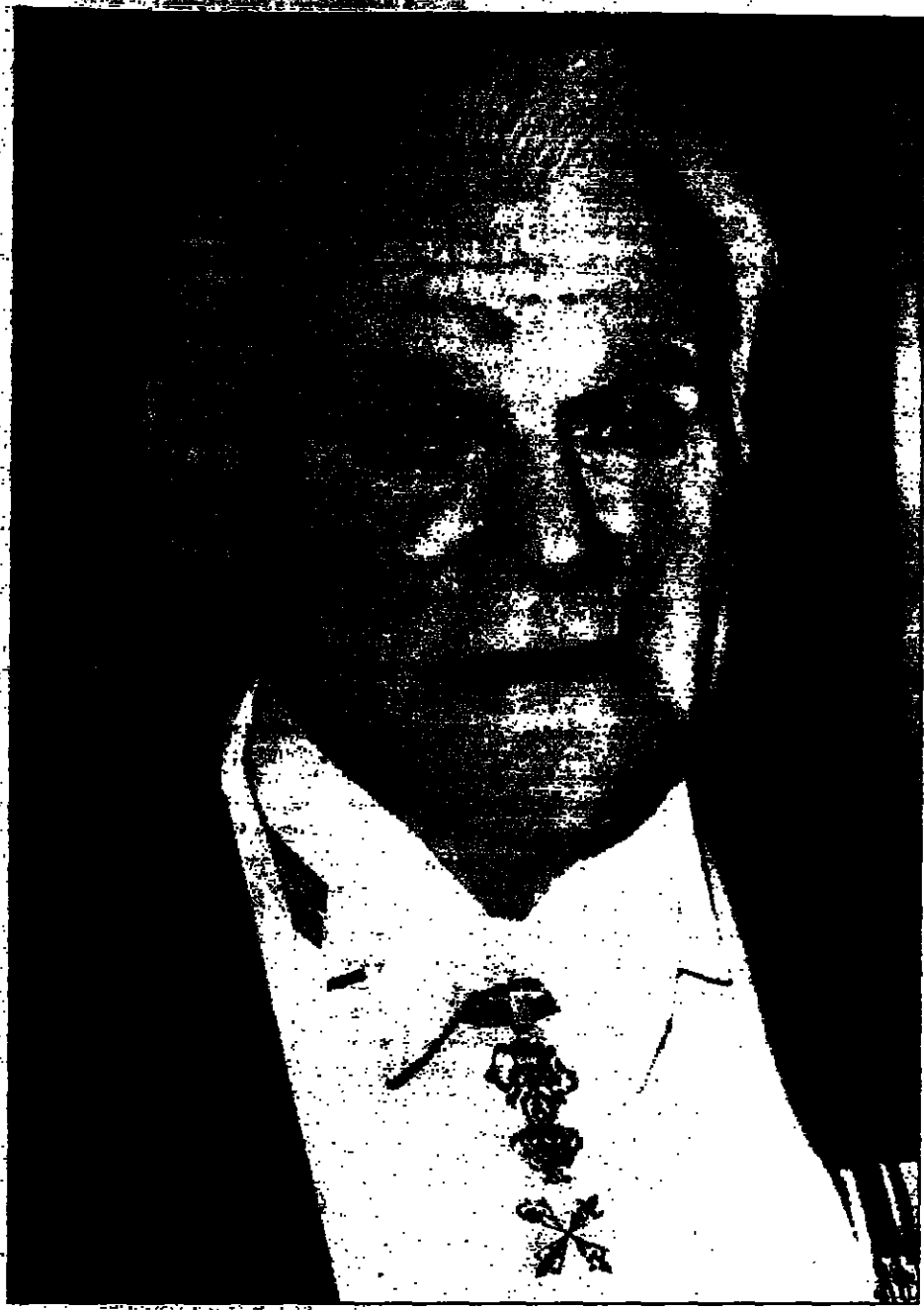
For much of his Commons career Sir Robert Grant-Ferris, sitting on the second bench above the gangway next door to the more raucous Sir Walter Bromley-Davenport, seemed to the scribblers in the Gallery like a typical knight of the shires. He was a landowner and a sheep breeder, his recreations were yachting and hunting, and even walking through the Commons corridors he had a good, loping stride.

But although he entered the House during the 1930s he was, in fact, far from being a traditional Tory MP of that era. He went to school in Berkshire at Douai rather than Eton, flew with his county air squadron rather than serving in his county regiment and was the only Tory MP to have been both knighted and created a life peer by successive Labour governments.

As a politician he became even more devoted to the House than to his party, especially in his later years when he was Deputy Speaker throughout the premiership of Edward Heath.

Robert Grant-Ferris — as a young man he hypothesised his name adding an additional "Grant" in the process — was the son of a general practitioner, Dr Robert Francis Ferris. After leaving school, he entered a firm of estate agents and surveyors which had links with his family.

He had been interested in politics since his school days, and in 1933 was elected to Birmingham City Council. He fought the predominantly mining seat of Wigan in the 1935 general election but even the re-election of Stanley Baldwin's National Government had little effect on the result in such a Labour stronghold, though blooded, he lost by more than 10,000 votes.



In 1937, however, he had a double success. He was called to the Bar by the Inner Temple, and, after a by-election, became the 29-year-old Tory MP for St Pancras North, though his majority was only in three figures.

Applauding his support for General Franco during the Spanish Civil War, the Conservative Party's stance, however, did not prevent him from being elected to the House of Commons in 1937. He was a notable breeder of sheep, serving as president of the National Sheep Breeders' Association, 1956-58, and as president of the Southdown Sheep Society of England on three occasions. He was chairman of the board of management of the Hospital of St John and St Elizabeth in St John's Wood and was until last November deputy chairman of the board of the Roman Catholic weekly *The Tablet*. From 1949 he had been a Knight Grand Cross of the Sovereign and Military Order of Malta.

Soon after his retirement from the Commons he went to live in Jersey, where his daughter had a home. He was married in 1930 to Florence Brennan de Vine, who predeceased him. He is survived by their son and daughter.

Labour candidate who died during the course of his first Parliament. Perhaps revealingly, Grant-Ferris had not been re-elected and did not contest the 1949 by-election in the seat he had represented for eight years.

Instead, he fought Wandsworth Central without success in both the 1950 and 1951 general elections. It was not until 1955 that he returned to the House as MP for Nantwich. This Cheshire constituency provided him with a safe political home for the rest of his career.

In 1962 he became a member of the panel of chairmen of standing committees in the Commons and continued as one of the House's temporary chairmen until 1970, when he was appointed Deputy Speaker and Chairman of Ways and Means. He had been knighted in 1969, was sworn of the Privy Council in 1971 and created a life peer on Harold Wilson's nomination after he left the House in 1974.

He was a man of wide interests. He worked for many years on the preservation of Britain's inland waterways. Motor yachting was his chief recreation though he devoted considerable efforts to his hunting and golf. He was a member of the Royal Yacht Squadron and the Royal Thames Yacht Club and the Royal and Ancient at St Andrews, with a period as Honorary Admiral of the House of Commons Yacht Club.

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AIR VICE-MARSHAL L. T. PANKHURST

Air Vice-Marshal L.T. Pankhurst, CB, CBE, former Director General of Personnel of the RAF, died on December 2 aged 94. He was born on August 26, 1902.

IN THE early months of the Second World War, the then Wing Commander L.T. Pankhurst, serving in the Directorate of War Organisation, put up a detailed proposal that Fighter Command prepare to operate over the Continent. He was convinced that an important opportunity was being missed to attack the Luftwaffe during the Battle for France by operating from secure bases in the UK but with forward landing grounds in France.

Such a strategy of forward landing grounds, later successfully exploited by the Desert Air Force, might have helped to destroy German aircraft before they could launch the Battle of Britain. It would also, in Pankhurst's view, have saved pilots' lives by allowing the inexperienced to be nursed through their first operational flights: as it was, the Battle of Britain saw newly trained pilots sent against German veterans who had already fought in Spain. Pankhurst's proposal was first watered down, and then ignored.

Educated at Hampton Grammar School, Leonard Thomas Pankhurst (universally known as "Pank") joined the Royal Air Force as an acting pilot officer in 1925, following a four-year apprenticeship with Sopwith Aviation. After flying training, he joined No 5 Squadron patrolling the North-West frontier in India, followed by a two-year engineering course at Henlow. By 1935 he had joined the Fleet Air Arm, based in the Mediterranean, and was posted to the Air Ministry just before war broke out.

To his frustration, it took him nearly two years to get out to more active service. Initially this was as Station Commander on Islay, where an airfield and flying boat base were under construction. Within a few months, echoing the situation immortalised in *Whisky Galore*, a ship loaded with desirable cargo came to grief on the rocks, and an order was

received that anyone "rescuing" items must be stopped. Pankhurst informed the Air Ministry that the order was unenforceable unless they were prepared to give permission to shoot "rescuers" on sight. After that, nothing more was said.

In 1942 he was posted to Headquarters Mediterranean Allied Air Forces under General Eisenhower, responsible for forward Allied Air Forces Planning, including the Tunisia campaign and the invasions of Sicily and Italy. Twice mentioned in dispatches, he was promoted to Air Commodore, appointed CBE and



awarded the American Legion of Merit. He made friends there with the author Thornton Wilder, who incorporated some of their shared experiences into subsequent books.

Pankhurst got on well with the Americans, appreciating their "can do" attitude and lack of officious restrictions. He himself had a compulsion about cutting through red tape, or seizing opportunities for enterprise. As a young man he would never have passed his medical into the Royal Air Force in the first place if he had not simulated knee reflexes which were in fact unaccountably absent, a practice he continued in every medical for the rest of his career.

Returning to England in 1945, he became Air Officer Commanding No 44 Group Transport Command, responsible for flying control and all ferrying of aircraft, home and overseas. This was followed by

the post of Assistant Commandant of the RAF staff college, and he moved on to be Director of Staff Training at the Air Ministry in 1949.

There he found the situation far from satisfactory, with many training manuals unchanged since the war, and no impetus or clear responsibility for their overhaul, or for training in general. "We do not seem to be achieving pride of service or enthusiasm. Half the RAF appears to be asleep, and the other half bewildered," he reported, putting forward a formula for immediate reform.

In 1950 he went to Kenya as Officer Commanding RAF East Africa, where he and his wife made Nairobi's Air House a popular stopover for political, business and service guests. But with the colony suffering the eruptions of the Mau Mau, the situation was far from merely social.

Pankhurst's gift for understanding and handling people soon led to the job of Director of Postings in the Air Ministry, and then Director General of Personnel (1).

He retired in 1957 and, after a spell as group personnel officer of a manufacturing company in the North West, he decided to branch out on his own. Pankhurst and Partners gave free rein to his enterprise and management skills, in consultancy work for local firms, residential management courses, and one-day conferences on the European Economic Community for company directors. With his wife he also built up a recruitment agency. He finally retired at the age of 74.

His time in retirement was much taken up with the upkeep and repair of his beloved house overlooking the river at Chester to which, in 38 years, no builder, carpenter, plumber or electrician was ever given entrance. Few concessions were made to his increasing years. At the age of 76 he signed up for a hang-gliding course; in his eighties he learnt to cook in order to look after his wife; aged 93 he was casually climbing ladders to tend the roof, 50 feet up.

He leaves his widow Ruth, whom he married in 1939, a son and two daughters.

JOHN BURGESS

John Burgess, CBE, former national coach to the Rugby Football Union, died on January 1 aged 72. He was born on November 8, 1924.



ENGLISH rugby union has lost one of its most passionate supporters — and one of its inveterate critics — with the death of John Burgess. There were no half-measures about Burgess, a product of the North Country who saw matters in either black or white. In his later years, most of the images he perceived where his favourite sport was concerned were black. Only last July he made an outspoken denunciation of RFU officers and policies at the union's annual meeting, where he described rugby's "nouveau riche" interests being given precedence over traditional supporters of the game.

Burgess was sometimes an uncomfortable companion in committee rooms; but no more sincere a man ever worked on behalf of rugby union. When he was England coach, newcomers to the team were frequently surprised to find that a Burgess pep talk included grasping the rose on the England jersey and lifting the occupant bodily from his seat: "When you get tired and there's ten minutes to go," he would say, "take a look at this rose and ask yourself what it means to you."

Commitment to the cause was all to Burgess. He had no patience with individuals who

could not, or would not, offer the passion which he himself felt for English rugby. When he was the national coach in 1974-75, the game was at a low ebb. But his old-fashioned patriotism did not always find an echo in an era of increasing commercialisation, with much of which he was out of sympathy. He was also critical of the support offered by the RFU to rugby league last year at a time when he felt many were badly needed to sustain the development at junior level of rugby union.

John Burgess was born in Salford and educated locally. At Salford University he took his MA and MIEE. As an electrical engineer he worked in the North West and became managing director of Simon Engineering in Stockport, later deputy chairman and export consultant. In this latter role he made frequent visits to

the old Soviet Union — one product of these trips abroad was the Russian for hat which he wore frequently. In 1978 he was appointed CBE for services to Britain's exports.

After leaving school, he played association football for Blackburn Rovers for a year before in 1943 joining the Fleet Air Arm, in which he served as an observer. With his service behind him, he played junior rugby for Old Salfordians before joining Broughton Park as a back-row forward. At 5ft 8in he was on the small side but made his way into the Lancashire county team and played for North-West Counties against Wilson Whineray's New Zealanders in 1964 — at the age of 39.

When he retired he spent a year refereeing but soon took up coaching: "I was appalled at the way we prepared — or didn't prepare — for games."

he said later. Broughton Park offered him initial experience, and he spent six years with Lancashire which, when he started out, possessed only one international player, Richard Greenwood. By the end of his time with the county it had provided, or was soon to provide, 22 internationals, four England captains and a British Isles captain.

He toured the Far East with England as coach in 1971 but had to wait until 1974 before he was offered the position at home. In between he offered a convincing argument of his worth by preparing the North-West side which beat the 1972-73 New Zealand team at Workington; but his national tenure lasted only a year and, after a difficult England tour to Australia in the summer of 1975, he resigned.

Instead, he thrust his powerful drive into restructuring the English game and, in 1981, the Burgess report paved the way for league rugby. He had served on the RFU committee since 1967 and, on his elevation as president of the union in 1987, declared his ambition to be "making dreams become a reality". Yet he was well aware of the powerful influences at work in the international game and was saddened at what he saw as England's decline from the moral leadership of world rugby.

Burgess was married twice and leaves his second wife, Elvira, and two children from each marriage.

PERSONAL COLUMN

DEATHS

THOMAS - Arthur Reginald, 80th birthday on 28th December 1996 at the home of his daughter, Mrs. M. Thomas, 10th Avenue, London. He was a retired engineer and a keen sportsman. He is survived by his wife, Mrs. M. Thomas, and his daughter, Mrs. M. Thomas.

IN MEMORIAM

WATKINSON - Mrs. M. Watkinson, 80th birthday on 28th December 1996 at the home of her daughter, Mrs. M. Watkinson, 10th Avenue, London. She was a retired teacher and a keen sportsman. She is survived by her husband, Mr. M. Watkinson, and her daughter, Mrs. M. Watkinson.

TICKETS

THEATRE - 10th Avenue, London. Tickets available for the 10th Avenue Theatre. Contact: 0171 323 4480.

FLIGHTS

FLIGHTS - 10th Avenue, London. Flights available for the 10th Avenue. Contact: 0171 323 4480.

ANNOUNCEMENTS

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SERVICES

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ANNOUNCEMENTS

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FOR SALE

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FLIGHTS

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ANNOUNCEMENTS

ANNOUNCEMENTS - 10th Avenue, London. Announcements available for the 10th Avenue. Contact: 0171 323 4480.

RADIO IN SCHOOLS

On January 17 the Kent Education Committee will launch the experiment in the use of broadcasting for educational purposes in the Kent schools. Aided by a grant of £500 from the Carnegie Trust, about 50 schools and other educational institutions in the county will be invited to take part in the experiment, and responsible teachers will be asked to make reports on the subjects broadcast and the manner in which the lectures have been given, with the idea of developing and improving the technique of educational broadcasting.

ON THIS DAY

January 3, 1927

Today school classrooms are full of pieces of high-tech equipment, but 60 or more years ago visitors might expect to see only wireless receivers with speakers bearing frework designs.

test the possibilities of wireless in adult education. It is understood that the B.B.C. may later consider the use of an alternative wave length with a special programme for educational work. A large number of the schools in Kent already possess wireless receiving sets, which with a few exceptions have been lent. These are not suitable for school use; but many of them can be adapted at little cost. The grant from the Carnegie Trust will be used to provide new sets at certain selected centres, partly to assist schools acquiring new sets out of local funds, and partly in assisting other schools to adapt their sets to the required standard. The Kent Education Committee have been at considerable trouble to discover a wireless receiver which will give truthful reproduction in sufficient volume for school use, and they are publishing to the schools the theoretical circuit of a four-valve receiver which they have adopted and which they believe will give satisfactory results. The committee are arranging for a number of complete sets to be made up by a reliable firm, and these will be supplied in all instances where sets are requisitioned through the committee. The sets will be supplied to the schools with complete accessories, except aerial and earth, including a suitable loud speaker.

THE TIMES

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Janet Bush finds fault lines in EMU consensus
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EDUCATION

Jobs for science graduates under the microscope
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SPORT

Simon Barnes on the source of England's trouble
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TELEVISION AND RADIO

PAGES 42, 43

BUSINESS EDITOR Lindsay Cook

FRIDAY JANUARY 3 1997

Bigger Mac means 5,000 jobs to be filled in 1997

By Sarah Cunningham

MCDONALD'S, the American burger chain, yesterday became the latest service sector company to unveil plans to create new jobs in Britain this year, saying it will hire 5,000, mostly part-time staff.

McDonald's will spend more than £160 million opening 110 new restaurants this year. Most will be drive-through establishments and around 90 per cent of the new staff will be paid by the hour. Last year the company created nearly 4,500 new jobs in Britain by opening 90 new restaurants.

In the last few weeks Marks & Spencer,

Safeway and B&Q have announced plans to hire thousands of new staff. In the pub and restaurant business, Greenalls said last month that it will create 1,000 new jobs, while Whitbread, joint owners with PepsiCo of the Pizza Hut chain, said that it was creating 5,000 new jobs by opening 150 new branches of restaurant over the next four years.

Government figures released last month showed unemployment falling below two million in November for the first time since 1991. But while the fall in the number of jobless and the increase in service-sector job creation have been hailed by Government

supporters as evidence of the return of the "feel-good" factor, critics have pointed out that, as at McDonald's, many of the new posts on offer give little security and relatively low pay.

McDonald's pointed out yesterday that nearly 60 per cent of its restaurant managers started as hourly-paid staff. "These are real jobs with long-term prospects," it said.

Around three quarters of the new McDonald's will be housed in prefabricated buildings at out-of-town retail parks or multiplex cinemas. The prefabs are a relatively cheap and speedy option: it can

take as little as nine days from the levelling of a site to the opening of a new restaurant. The company hopes to open 35 restaurants in London and the South, 28 in the Midlands and Wales, 27 in the North, 12 in Scotland and five in Northern Ireland.

Last year new branches of McDonald's were opened in retail parks, converted pubs, at Sega World in London's Piccadilly Circus, on Stena ferries and even inside a Royal Navy base at Devonport.

There have been signs of McDonald's losing out in the popularity stakes in its highly competitive home market, and in October it reported a decline in domestic

sales for the fifth quarter in a row. However, research shows that the company's market share in the UK continues to grow.

Taylor Nelson, the pollsters, show that in the last three months of 1996, McDonald's claimed 78 per cent of the burger market — up from 75 per cent a year earlier — with Burger King at 14 per cent.

Since it was founded in the early 1950s the company has opened restaurants in 96 countries and now has more than 20,000 restaurants in the US. Although it has slowed the rate of expansion in its domestic market, it still plans to open about 2,500 there during the coming year.

BUSINESS TODAY

STOCK MARKET INDICES		
FTSE 100	4057.4	(-61.1)
Yield	3.82%	
FTSE All share	1989.78	(-23.88)
Nikkei	Closed	
New York		
Dow Jones	6407.89	(-41.18)
S&P Composite	735.22	(-5.52)

US RATE

Federal Funds	5.75%	(Closed)
Long Bond	9.74%	
Yield	6.74%	

LONDON MONEY

3-month Interbank	6.75%	(Closed)
Life long gilt	100%	
hours (Bids)		

STERLING

New York	1.6865	(Closed)
London		
\$	1.6807	
DM	2.6088	
FF	3.7885	
Sfr	2.2710	
Yen	195.61	
S index	86.5	

DOLLAR

London		
DM	1.6415	(Closed)
FF	3.1959	
Sfr	1.3440	
Yen	115.50	
S index	86.5	

TOKYO CLOSE YEN 116.80

NORTH SEA OIL

Brent 15-day (Mar)	\$23.75	(Closed)
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WORLD

London close	\$386.85	(Closed)
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* denotes midday trading price

Dow fears send UK shares tumbling

By Janet Bush, Economics Editor

EUROPEAN stock markets took a new year hammering yesterday as Wall Street wobbled badly again on fears of higher US interest rates.

Wall Street, which had plunged by more than 100 points on Tuesday, the last trading day of 1996, yesterday slumped another 96 points before recovering some composite. The Dow Jones industrial average stood 60 points lower when the London market closed, and subsequently trimmed the loss to 40 points.

That recovery was too late for London, where the FTSE 100 index closed 61.1 points lower to close at 4,057.4. Shares in France dropped by more than 2.5 per cent and German shares were down more than 2 per cent.

The trigger for yesterday's selling was a healthy economic report from America's National Association of Purchasing Management, which raised fears that the US Federal Reserve may be forced into raising interest rates to counter the threat of inflation. The NAPM index rose to 54.0 in December, well above Wall Street forecasts of 52.3.

The purchasing managers' index is watched extremely closely in America because it has, in the past, seemed to trigger rate moves by the Federal Reserve. The Fed started its last cycle of tightening monetary policy in early 1994, when the NAPM hit 55.3. It raised rates five more times in 1994 and 1995 when the index stood between 55.8 and 59.5.

The report also sent US Treasury bonds tumbling, depressing the benchmark 30-year bond by more than a full percentage point. The dollar fell against the yen, quoted in late European trading at ¥116.08 late on Tuesday, but it edged up against a weak mark to DM1.5411 from DM1.5400 previously.

The fallout in London

came despite the fact that the latest British purchasing managers' survey, also published yesterday, showed that the strength of sterling was beginning to have a negative impact on manufacturers and also to depress housing prices.

The purchasing managers' index rose to 54.2 in November, its weakest reading for four months. Both output and orders fell sharply, a development most economists attributed to the strength of sterling. The pound's appreciation also led to a decline in the purchasing managers' price index to 42.2 from 42.5.

David Wallis of Goldman Sachs said that, taken in isolation, the latest British purchasing managers' report strengthened the case for leaving British interest rates on hold at the January 15 monetary meeting between Kenneth Clark, the Chancellor, and Eddie George, Governor of the Bank of England. He still believes that strong consumer demand will mean interest rates go up either this month or next.

But the strength of sterling is beginning to change the balance of the argument. After the purchasing managers' survey, David Bloom of HSBC James Capel said: "Strong growth in demand in the domestic market is no longer able to fully offset the loss of competitiveness resulting from sterling's appreciation."

The pound weakened sharply yesterday, although the downward lunge appeared to have been exaggerated in very thin trading conditions. Sterling's effective index against a basket of currencies closed at 95.0 compared with 96.1 on Tuesday, the previous trading session.

Dealers attributed the pound's slide to falls in British stock and bond markets rather than directly to the purchasing managers' report.

OECD warns Japan, page 24

Stock markets, page 26

Economic View, page 27



Jurek Piasecki plans a bigger chain this year after ending his takeover pursuit

Goldsmiths sparkles at Christmas

JUREK PIASECKI, chairman and chief executive of the Goldsmiths jewellery chain, unveiled strong Christmas trading figures yesterday and said he has given up pursuing Signet's Ernest Jones (Sarah Cunningham writes).

He expects to open up to 18 stores this year and hopes to double market share to 6 per cent over the next five years.

In the four weeks to December 28, like-for-like sales were up 9.8 per cent. In the 11 months to the same date they were up 9.4 per cent. Mr Piasecki said December trading started well, then flattened out, and had been strong in the three days before Christmas. Sales of diamonds and Gucci watches were particularly good.

Waterstone venture aims for full listing

By Sarah Cunningham

TIM WATERSTONE, the founder of the Waterstone's bookstore chain, hopes to float his new venture, Daisy & Tom children's stores, on AIM in 1998 and then move as soon as possible to a listing on the main exchange.

Work will begin next week on the first Daisy & Tom, a 20,000 sq ft store on the King's Road in London. It is due to open in May, with two further stores — in Manchester and Scotland — also planned for this year. He hopes to open 30 Daisy & Tom outlets in the long term.

The stores, named after his two-year-old daughter and the

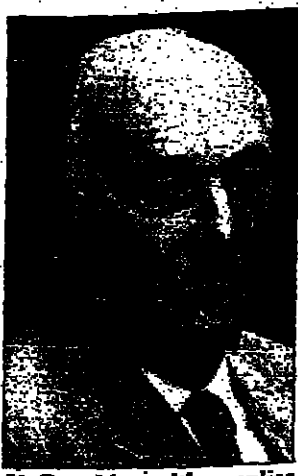
son of fellow investor Christopher Thomson of DC Thomson, will sell children's clothes, shoes, books and toys. "They will be very upmarket and opulent and will look absolutely wonderful," Mr Waterstone said.

Mr Waterstone is chairman and chief executive of the company, which is 37 per cent owned by him, 37 per cent owned by DC Thomson and 26 per cent owned by Quester, the venture capitalists. The flotation on AIM will follow one year's trading with three outlets, Mr Waterstone said.

Child's play, page 27

Hampel Committee extends deadline

By Jason Nisbet



Sir Ronald: awaiting replies

THE Hampel Committee, set up more than a year ago to review the corporate governance guidelines introduced in the Cadbury and Greenbury reports, has extended its timetable for submissions because some of Britain's most influential organisations have missed the December 31 deadline.

Among the bodies given extra time to put the finishing touches to their comments are the Confederation of British Industry and Pirc, the lobby group set up to monitor corporate governance procedures.

The committee, chaired by Sir Ronald Hampel, chairman of ICI, has already received more than 50 replies and is expecting up to 20 more. "We've decided

that December 31 was not an absolute deadline as quite a few people have not put in submissions yet, including some leading bodies," said a committee official.

Pirc is expected to put forward its views next week, with Anne Simpson, a director of Pirc, today adding the finishing touches to the group's submission.

The CBI said it hoped to offer its reply in the next week or so. "It's like being back at school," said a CBI official. "If you give the teacher a good excuse you can get an extension on your homework."

The committee is planning to produce an interim report in the summer and a full report by the end of the year. It does not publish the submissions it has received, but many of the bodies that have given replies have chosen to make them public. Among the most controversial have

been the view expressed by the Institute of Chartered Accountants that shareholders are not qualified to make a judgment on what is a reasonable pay package, and should not be allowed to vote on the issue. The ICA added that it felt that the rows about bonuses for senior executives "do not, on the face of it, seem to have been fully justified."

Both leading bodies representing institutional investors — the Association of British Insurers and the National Association of Pension Funds — have come out against there being new rules introduced to add to the burden on British companies. "We are arguing against further regulation," said Richard Regan, who chairs the investment committee of the ABI. "Industry needs time to digest the contents of Greenbury and Cadbury."

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EDUCATING THE WHOLE PERSON IN MIND, BODY & SPIRIT

OECD warns recovering Japan to tackle deficit

By JANET BUSH, ECONOMICS EDITOR

JAPAN'S long-awaited economic recovery after the prolonged recession of the early 1990s now seems under way but the Organisation for Economic Co-operation and Development said yesterday that Japan must tackle the huge budget deficit built up because of efforts to stimulate the economy.

The OECD, which was publishing its latest survey of the Japanese economy, said that growth is expected to have totalled 3.5 per cent in 1996, which compares well with growth of less than 1 per cent in 1995. However, growth is expected to fall back to only 1.6 per cent this

year with consumption weakening as temporary tax cuts have ended. In order to maintain the recovery's momentum, the OECD recommends that Japan keep interest rates low. Official interest rates have stood at only 0.5 per cent since September 1995, with market interest rates held slightly below that.

The importance of maintaining loose monetary conditions is even more significant given the OECD's recommendation that Japan now starts to tighten fiscal policy, which has been aggressively stimulative throughout the 1990s when growth failed to materialise.

These efforts to kickstart the economy have led to a widening in Japan's general govern-

ment deficit to nearly 4 per cent of gross domestic product. The combined deficits of central and local government has approached 7 per cent of GDP, one of the largest of any industrialised country, and government debt has jumped to almost 90 per cent of GDP.

The OECD said: "It will therefore be appropriate to strengthen fiscal consolidation over the medium term, as rapidly as the underlying growth of domestic demand permits, in order to prevent government indebtedness from rising continuously." It suggested that spending cuts and possibly tax increases will be needed. If tax rises prove necessary, it recommends a further rise in consumption tax.

It noted that action to cut government borrowing is even more pressing because of the rapid ageing of Japan's population. Despite limits on pension benefits, the OECD forecasts that catering for health and welfare needs will boost government spending to about 40 per cent of GDP by 2000 and to more than 45 per cent by 2025.

The OECD also emphasised the need for a broad and more substantial programme of deregulation if Japan's economy is to grow faster. It noted that "progress so far appears modest, as significant impediments to competition still remain in many areas of the service sector."

Company pensions 14% up on state fund

By PHILIP BASSETT, INDUSTRIAL EDITOR

PAYMENTS from company pension schemes in Britain have risen 6 per cent, making them 14 per cent higher on average than state pensions, new evidence on Britain's pension schemes shows today.

The findings of an independent study of Britain's major pension schemes show that they paid out more than £10 billion in benefits in their most recent financial year.

In its second annual study of

Britain's occupational pension schemes, Incomes Data Services, the independent pay analyst, says that the average annual pension paid out by company pension schemes is now £3,698.

Examining the reports and accounts of more than 100 large occupational pension schemes, IDS says that this is 14 per cent higher than the current single person's full basic state pension.

The total spend on pensions-in-payment by 104 schemes studied was £10,368 billion in their most recent financial year. This is a 6.1 per cent rise on comparable figures for the previous scheme year.

The number of people receiving occupational pensions increased from 2.5 million in the previous year's study to 2.8 million now, although the coverage of the survey is a little wider this year.

The research shows "enormous variations" in the average value of pension payouts, largely driven by the pay position of the companies concerned. Higher-paying industries such as banking and insurance tended to pay higher pensions than industries such as engineering, for example.

Service length is another key factor, with organisations containing long-service employees, such as universities, paying high pensions. The establishment date of schemes is also significant, with comparatively new schemes, such as that at Rover Cars, paying lower benefits than long-established schemes, such as that at Vauxhall.

Five schemes recorded "significant" increases in the number of pensions-in-payment this year. These were the Post Office, with a 47 per cent rise; Granada, 18 per cent; the Environment Agency Active Fund, 17 per cent; Vauxhall, 14 per cent; and ICL, 13 per cent.

At the same time, 19 companies showed a decrease in the number of pensions being paid, including a 25 per cent fall at English China Clay because of a bulk transfer of pensioners out of the scheme, a 7 per cent drop at the Railways Superannuation Fund and a 3 per cent fall in the CMT Mineworkers' scheme — formerly British Coal.

The Universities Staff Superannuation Scheme again paid the highest pension — this year an average £11,998 to its members. The lowest average pension being paid among those studied was £590 a year at the Norwich Union, although this is for a dedicated scheme specifically for part-time workers.

Retirement benefits swell by over 11%

By OLIVER AUGUST

UK pension funds grew by more than 11 per cent in 1996, according to WM Company, which measures the investment performance of more than 75 per cent of the UK pension fund market. Its performance survey shows gains were fuelled by strong equity markets in Britain, America and Europe.

With inflation at around 2 per cent, funds received a real return of 9 per cent on their investments. The historical average over the past ten years is a 7 per cent increase per annum. But 1996 failed to match the dramatic gains achieved in the previous year, when returns soared to 19 per cent after a disappointing 1994.

Peter Warrington, a WM director, said: "It is anything but doom and gloom. UK equities continue to stride forward. Our survey shows that UK equities provided a return of 17 per cent, with the average active manager outperforming the FTSE all-share index."

The worst equity performer was Japan, with a 21 per cent fall, while America was the best overseas performer, with a 16 per cent increase. Pension funds have recently been taking profits on their equity investments in America and the UK. Mr Warrington said: "The high cash holdings support the widespread belief that the major equity markets, particularly the UK and US, are overvalued. Funds may be waiting for a downturn before returning to buy at lower levels."



Bernard Matthews, who sold his shares at a price close to their recent peak

Matthews sells 1m shares

BERNARD MATTHEWS, chairman of the turkey farming group that carries his name, has raised £125 million by selling a million of his shares (Paul Durman writes).

The price he received, 125p, was close to the recent peak of 130p, the highest the shares have been since the stock market crash of 1987. Mr Matthews retains a stake

of 18.5 per cent, keeping his family's holding just above 40 per cent and valuing it at more than £60 million.

Mr Matthews once said that his contribution to society was to change turkey from being solely a Christmas treat, "putting it within the grasp of everybody as an everyday meat". His company now produces about 20 million

turkeys a year, about two-thirds of which are purchased in processed form rather than as whole birds.

The company is expected to make profits this year of about £22 million. It made a good start to the year, overcoming higher feed prices thanks to the BSE scare, which prompted customers to switch from beef to turkey.

Irish economy is 'set to grow 5%'

FROM EILEEN MCCABE IN DUBLIN

THE Republic of Ireland's economic boom is set to continue this year with real GNP growth of 5 per cent, according to the country's independent economics institute.

The Quarterly Economic Review from the Economic and Social Research Institute (ESRI) estimates that real GNP growth in 1996 was around 5.4 per cent, after growth in excess of 7 per cent for 1995 and 1994. The ESRI says that a deceleration of growth in domestic demand in 1997 will be offset by rapid expansion in export volumes.

Inflation, which was running at 1.6 per cent in 1996, should stay under control at around two per cent in 1997, says the review. It also forecasts contin-

ued strengthening of public finances, with a current budget surplus and an Exchequer borrowing requirement at the same level as last year.

Such is the performance of the Irish economy over the past four years that the ESRI concedes there have been questions about the figures' accuracy. It concludes that although no estimate of economic progress can be definitive, "the trends in the various major elements of the economy fit together in a generally coherent manner".

Ireland's performance is attributed to, among other factors, direct foreign investment in fast-growing industries and the availability of a qualified labour force.

Dispute bad for Bupa's health

FROM EILEEN MCCABE IN DUBLIN

BUPA, the British private healthcare group, yesterday conceded that its operations in the Irish Republic have been harmed by a dispute with the Irish Government about its insurance packages.

The dispute, which began in November after Bupa unveiled its packages for the Irish market, escalated yesterday with the Irish Minister of Health apparently threatening legal action if Bupa does not modify its schemes. Bupa replied that its products comply fully with Irish and European law. A spokeswoman for the group said that although it is happy to co-operate with the Government, its insurance schemes will not be changed. The controversy concerns

Computer software pirates log a bill of £287m

By FRASER NELSON

BRITISH software pirates are costing the industry more than £287 million a year, according to a report which ranks Britain as the world's seventh worst offender for illegally copied computer programs.

A survey commissioned by the Business Software Alliance and the Software Publishers' Association puts the worldwide costs of piracy in 1995 at £8.4 billion, of which Britain has a 3.4 per cent share.

While Britain is a prominent offender in terms of the overall money lost, only 42 per cent of software used in this country is pirated — a figure significantly below the European average of 62 per cent.

Slovenia has the worst record, with a piracy level of 96 per cent of the software used, while the Swiss emerge as the most honest computer users with a 38 per cent piracy rate.

While the figures for 1996 are still being compiled, a worldwide total of £9 billion is expected to have been lost last year, with more than £320 million coming from Britain.

The Business Software Alliance said that while Britain had scored much lower than most of its European neighbours, the figure was still too high, given the maturity of the market.

The evolution of Windows-based computers has made software piracy increasingly difficult to police, with technology to copy programs coming as standard issue in most machines. Leading computer programs such as Microsoft Word cost around £220 in the high street, but they can be copied in seconds on to a computer disk costing 80p.

While the software industry mounts frequent attempts to purge piracy, the hardware industry takes a more relaxed attitude. Some argue that a degree of such activity boosts the computer market in general, and is essential to kickstart computer culture in developing countries.

Banks and unions claim strike victory

SCOTTISH banks and Bifu, the banking union, have both claimed victory after yesterday's strike in support of the traditional January 2 holiday. Banks, including the Bank of Scotland, Clydesdale, Royal Bank of Scotland, TSB Scotland and Lloyds Bowmaker, the finance house subsidiary of Lloyds, want workers to adopt the Easter Monday bank holiday from England instead. Peter Burt, chairman of the Committee of Scottish Clearing Bankers, said fewer than 50 out of the total 1,200 Scottish branches did not open.

Bifu said many Scottish town centres had been deserted, demonstrating that the public did not want the service. Sandy Boyle, Bifu's deputy general secretary, said: "They've refused to negotiate with us, and wouldn't listen either to staff or customer. Perhaps now they will listen."

Fokker bid speculation

FOKKER, the collapsed manufacturer of aircraft, could still be rescued by a new partner, according to Dutch press reports. Wickard de Waard, a Dutch entrepreneur, is said to have created a limited liability company called Forward Aircraft to use as a vehicle for a takeover bid. He reportedly wants to continue existing production of Fokker aircraft, which could benefit Shorts, which supplies parts from its base in Belfast. Samsung, of Korea, has said that it is no longer interested in taking over Fokker after months of unsuccessful negotiations. Fokker's receivers declined to comment on bid speculation.

Hays in German deal

HAYS, the business services group, has acquired Daufenbach, a German car parts distributor, for DM68 million. Daufenbach is the leading German spare parts supplier to General Motors, BMW, Mitsubishi, Toyota, Volkswagen and Chrysler. Ronnie Frost, executive chairman of Hays, said: "Daufenbach is a national business with the ability to deliver next day, pre-8am. It has a leading market position and a strong management." Hays is committed to paying a further DM49 million if a certain level of profit is achieved during 1997.

Arcadian hotel deal

ARCADIAN INTERNATIONAL, the hotels and leisure developments group, has acquired Chilton Park Hotel, near Leeds Castle in Kent, for £4.4 million. The 38-bed hotel is set in 22 acres of parkland and has extensive conference facilities. Construction of a further 15 bedrooms is under way. Operating profits for 1996 are expected to be £479,000. Arcadian has granted Homewood Park an option to acquire Hunstrete House, a 25-room hotel near Bath, for £1.86 million. The hotel was bought by Arcadian in 1993 as part of the acquisition of Clipper Hotels.

Cox buys GJW unit

COX Insurance Holdings, the Lloyd's of London agency, has acquired the specialist yacht and cargo business of Groves, John & Westrup (Underwriting) from Sphere Drake for £900,000. GJW has been part of the insurance industry in Liverpool for more than 100 years. It has been underwriting pleasure craft since 1971 and began writing a cargo account in 1990. Premium income generated by GJW, expected to amount to some £10 million in 1997, will be accepted by Lloyd's marine syndicate 590/2591, underwritten by Ian Wootton, one of the seven Cox Insurance-managed syndicates.

Spirax-Sarco buys

SPIRAX-SARCO Engineering is spending £17 million on acquiring Bredel Holdings, a manufacturer of pumps based in The Netherlands, and the associated Bredel distribution business of Wankesha Cherry Burrell in America. The vendor is United Dominion Industries, of Canada. The acquired businesses had net assets of £3.6 million and generated profits of £1.7 million before interest and tax in the 11 months to the end of November 1996. The consideration is subject to an additional payment of £1 million depending on profits to the end of December.

Regionbridge for Allen

ALLEN, the building contracting and civil engineering company, has acquired Regionbridge, a contracting company based in the West Midlands, for a maximum consideration of £1.75 million, of which £960,000 was paid in cash on completion. A further payment of £240,000 is due in March 1997 after agreement of the completion accounts and a final instalment of up to £550,000 due in March 1998, depending on profits. In 1995 Regionbridge earned pre-tax profits of £224,000 on turnover of £7.6 million.

Beverly's loss deepens

PRE-TAX LOSSES of Beverly Group, the manufacturer and supplier of industrial pumps and valves, grew to £531,000, from £462,000, in the half year to August 31 on turnover down to £1.15 million, from £1.23 million. The loss per share was 0.27p (0.56p loss). There is again no dividend. Beverly said that the losses reflected the continuing difficult trading conditions as the group emerges from a company voluntary arrangement.

Bank	Bank	Bank	Bank	Bank	Bank
Australia \$	2.24	2.08	1.98	1.98	1.98
Austria Sch	13.40	17.78	9.40	9.40	9.40
Belgium Fr	65.78	65.78	65.78	65.78	65.78
Canada C	2.41	2.41	2.41	2.41	2.41
Cyprus Cyp	0.827	0.773	0.773	0.773	0.773
Denmark Kr	10.83	10.83	10.83	10.83	10.83
Finland Mk	5.45	5.45	5.45	5.45	5.45
France Fr	0.27	0.27	0.27	0.27	0.27
Germany Dr	2.78	2.78	2.78	2.78	2.78
Greece Dr	435	435	435	435	435
Hong Kong \$	13.82	13.82	13.82	13.82	13.82
Ireland P	1.20	1.20	1.20	1.20	1.20
Italy Lit	1.08	1.08	1.08	1.08	1.08
Israel Sh	5.89	5.89	5.89	5.89	5.89
Italy Lit	270	270	270	270	270
Japan Yen	211.80	211.80	211.80	211.80	211.80

Notes for April 1996: 1. Rates for April 1996 are based on the rates of exchange only as supplied by Reuters. 2. Rates for April 1996 are based on the rates of exchange only as supplied by Reuters. 3. Rates for April 1996 are based on the rates of exchange only as supplied by Reuters.

THE TIMES
WILL PUBLISH
A SPECIAL
SUPPLEMENT ON
STAMP COLLECTING
IN ASSOCIATION
WITH ROYAL MAIL
ON TUESDAY
7TH JANUARY 1997

Suspension clouds Butte future

By JASON NISSE

THE inglorious stock market career of Butte Mining — despite its name it gave up mining three years ago — is in danger of coming to an end a few months short of its tenth anniversary after its shares were suspended yesterday.

Butte, whose chairman, David Lloyd-Jacob, admits that it only exists as a vehicle for legal actions, said the suspension came because it could not publish its accounts for either of the last two years as it is in talks about outstanding litigation.

Butte has apparently offered to drop one action, a £100 million writ against Ernst & Young, its former auditors, and

is in talks to settle another against three subsidiaries of Simon Engineering. The actions relate to the group's former interests in mining in Montana, US.

However, the process has been held up because a winding-up petition has been issued against the company. This action is believed to have come from the holders of some of Butte's preference shares.

Butte's ordinary shares were floated at 100p in 1987 but yesterday stood at 4p, valuing the company at £1.96 million. "Plucky little Butte" sold out of mining in 1993, has been involved in a three-year Serious Fraud Office inquiry, massive legal actions, and a spat with the Financial Reporting Review Panel

(FRRP) that has contributed to this latest problem. Last October, Butte was admonished by the FRRP, which threatened to take it to court for booking a £1 million profit on shares it received in an obscure Canadian mining company so turning a £339,000 loss for the year to June 30, 1995 into a £628,000 profit.

Butte has not been able to reissue its accounts for that year, or indeed publish accounts for the year to June 30, 1996, claiming in a statement that they have been held up by negotiations on "its most significant lawsuits". The Exchange insists that companies publish accounts within six months of their year-end and so suspended Butte shares.

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT
MR REGISTRAR BUCKLEY

IN THE MATTER OF COUNTESS NATWEST LIMITED
and
IN THE MATTER OF THE COMPANIES ACT 1985

NOTICE IS HEREBY GIVEN that the High Court of Justice (Chancery Division) dated 18th December 1996, confirming the reduction of the capital of the above-named company from £10,000,000 to £1,000,000, the Minute approved by the Court showing the reduction of the capital of the said company as altered the several particulars contained in the above-mentioned Act were registered by the Registrar of Companies on 20th December 1996.

Dated the 3rd day of January, 1997.
LINKLATER & FARNES (PVT.)
Barristers at Law,
55, 57 Graham Street,
London EC2V 7JA
Solicitors for the above-named Company

STOCK MARKET

MICHAEL CLARK

Chill winds from Wall St force costly retreat in UK

GOVERNMENT bonds and equities felt the full force of Wall Street's icy blast yesterday, making for an inauspicious start to the first day of trading in 1997.

London reacted to the 101-point New Year's Eve slump in the Dow Jones industrial average with a savage early market drop that brought the market's recent record-breaking run to a halt.

Later in the session the FTSE 100 index halved an earlier 50-point fall but attempts to consolidate its position proved short-lived as the Dow tumbled a further 95 points during the first hour of trading in New York yesterday. As a result, the London market closed near its worst of the day, with the index 61.1 lower at 4,057.4.

Trading conditions remained thin after the seasonal festivities, with 455 million shares changing hands. But that ensured that selling pressure remained light.

Sieba was 7p better at £10.89 after paying GEC £80 million for its Satchwell Controls Systems business. GEC was 4 1/2p lower at 377 1/2p. Hays fell 5 1/2p to 55 1/2p after spending £20 million on a German logistics business.

Goldsmiths brought some brief seasonal cheer to the retail sector with an upbeat trading statement. The jeweller reported that sales in the four weeks to December 28 had grown 12.4 per cent, or almost 10 per cent on a like-for-like basis. Results for the year to February 1, are expected to be in line with market expectations. The price finished 1p easier at 387 1/2p after briefly touching 390p.

The oil sector continued to attract selective support in the wake of last month's £432 million bid for Clyde Petroleum by Gulf Canada. Speculators are on the lookout for the next big target. Their favourite is Premier Oil. It firmer at 36 1/2p. Tullow Oil up 2 1/2p at 87 1/2p, is also seen as a potential target.

National Westminster Bank moved against the general market trend for most of the day before finishing 1/2p easier at 665p. The banks are likely to continue attracting support in the run-up to their dividend reporting season, which gets under way next month. However, beyond NatWest yesterday, the rest of the banks lost ground. Abbey National fell 2 1/2p to 744 1/2p.



Growth in subscribers did not cheer Vodafone shares

Bank of Scotland 5p to 303 1/2p. Barclays 20 1/2p to 980p. Royal Bank of Scotland 20p to 543 1/2p. Standard Chartered 10p to 709p.

A sharp jump in the number of new subscribers failed to cheer Vodafone, the mobile telephone network operator, which finished 6 1/2p cheaper at 240p. New subscribers grew by 480,000, or 20 per cent.

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COMMODITIES

LIFE

COCA Cola 99.99-100.00
Milk 1.00-1.01
Sugar 1.00-1.01
Wheat 1.00-1.01
Corn 1.00-1.01
Soybean 1.00-1.01
Cotton 1.00-1.01
Gold 1.00-1.01
Silver 1.00-1.01
Platinum 1.00-1.01
Palladium 1.00-1.01
Nickel 1.00-1.01
Copper 1.00-1.01
Zinc 1.00-1.01
Lead 1.00-1.01
Aluminum 1.00-1.01
Iron 1.00-1.01
Steel 1.00-1.01
Lumber 1.00-1.01
Timber 1.00-1.01
Paper 1.00-1.01
Glass 1.00-1.01
Rubber 1.00-1.01
Latex 1.00-1.01
Hides 1.00-1.01
Wool 1.00-1.01
Grain 1.00-1.01
Beans 1.00-1.01
Rice 1.00-1.01
Sugar 1.00-1.01
Cocoa 1.00-1.01
Coffee 1.00-1.01
Tea 1.00-1.01
Spices 1.00-1.01
Fruits 1.00-1.01
Vegetables 1.00-1.01
Meat 1.00-1.01
Fish 1.00-1.01
Shellfish 1.00-1.01
Eggs 1.00-1.01
Dairy 1.00-1.01
Beverages 1.00-1.01
Tobacco 1.00-1.01
Alcohol 1.00-1.01
Medicines 1.00-1.01
Cosmetics 1.00-1.01
Clothing 1.00-1.01
Footwear 1.00-1.01
Jewelry 1.00-1.01
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Art 1.00-1.01
Collectibles 1.00-1.01
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THE TIMES
CITY DIARY

Salter makes his move

A NEW YEAR and a new office for Declan Salter. The former joint managing director of Watnoughs spent his first day as chief executive of the printing group lugging heavy packing boxes along the company's corridors in Manchester Square.

As one of the perks of his promotion, Salter is swapping his cramped corner of the London HQ for the much larger office of his predecessor, Patrick Walker, who is expected to spend at least three days a week in London as Watnoughs's non-executive chairman.

"We decided to keep our own desks, otherwise it would have meant emptying all the drawers," chuckles Salter.

Snakes alive

ST PATRICK might claim to have banished snakes from Ireland, but Tony Axon knows otherwise. Rumouring inside the office photocopy, trying to establish why it wasn't working, the media director at McCann Erickson, the Belfast advertising agency, came face to face with a black and yellow serpent. "I shot back about 10 feet," he recalls. "We later discovered it had escaped from City Reptiles on the ground floor and had climbed three sets of stairs to take up residence in my copy." Not had for an American grass snake.

AMONG SBC Warburg's list of ten UK stocks that it expects to outperform during 1997 — including British Aerospace, British Land, BT, Canadian, Diageo, Independent Insurance, Rolls-Royce, Royal & Sun Alliance and Sainsbury — is Mercury Asset Management. Curiously, until 1995 Warburg owned 75 per cent of MAM. Would that were still the case!



"He has gone right off cold turkey"

Name pane

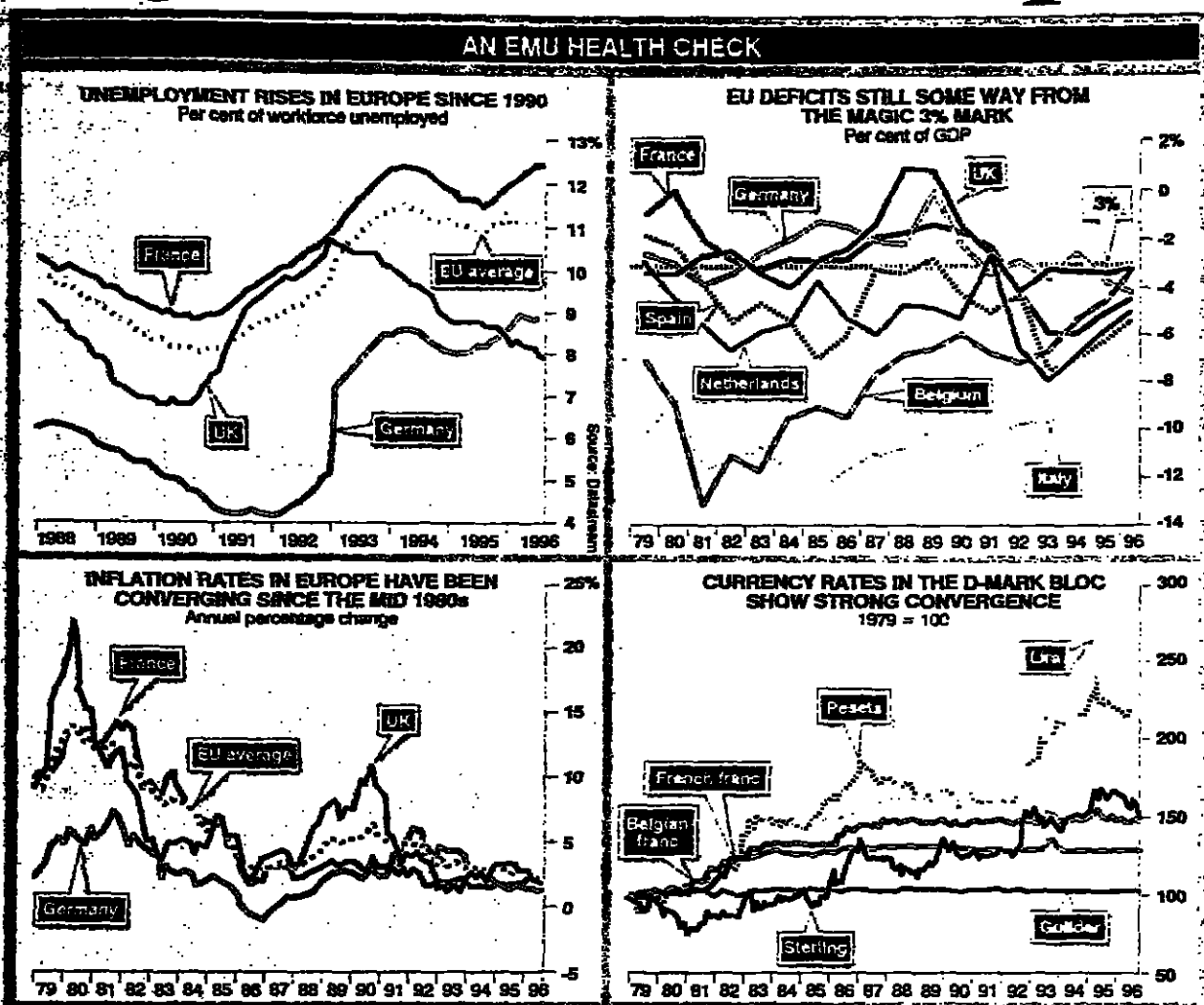
AN OFFICE makeover for Allied Trust Bank, which will henceforth be known as Investec Bank. The huge slab of glass in the foyer of the bank's offices on Dowgate Hill, London, is about to be shown the back door because the inscriptions on the glass signpost no longer make any sense. Since Clive Securities came on board last March, Integro changed its name to Insinger and now Allied Trust Bank (known as Allied Arab Bank until 1989) has been rechristened. Whether the almighty pane will end its days as an ultra modern coffee table or at the local bottle bank has yet to be decided.

Dressing down

STEER clear of Mansion House tomorrow, when 600 children will gather there for the Lord Mayor's annual fancy dress party. Introduced in the last century as a late Christmas celebration for London's underprivileged, the shindig has changed much over the years. These days, guests are more likely to include the children and grandchildren of leaders of London Boroughs, staff at Mansion House and a handful of MPs. Good news is, however, that Roger Cork will not be wearing fancy dress. Keeping his Mayoral robes safely away from the mess of the party, he will be wearing multi.

Seeking an EMU escape route

Progress on a single currency is faltering as Europe hits Maastricht buffers



were to be vindicated before the election, leaving both parties free to fight on issues that are less likely to provoke embarrassing dissension.

Europe has rarely offered such convenience to British politicians and the blinding vision on the road to Brussels will probably not happen soon enough to help Messrs Major and Blair. But, nevertheless, some grim economic truths are beginning to dawn on even Europe's most fanatical single currency prophets. Since the Maastricht treaty was signed in an atmosphere of overwhelming confidence, European economies have quite simply failed to deliver. The treaty's convergence criteria and the artificially tight deadline of 1999 are conspiring to make things worse.

David Marsh of Robert Fleming sums up a renewed sense of pessimism in Europe: "A little like Versailles and Weimar, Maastricht appears destined for permanent association with a grand European design that started in hope and petered out in ignominy." In his paper *Maastricht five years on: What future for Europe?* he goes on to provide a succinct summary of the trail of economic destruction in Europe. He notes that annual

average growth in the European Union fell to 1.4 per cent in 1991-95, compared with 3.3 per cent in 1986-90 and 1.5 per cent in 1981-85, the years when economic stagnation spawned the phrase Eurosclerosis. Europe's fiscal position has deteriorated abysmally since the late 1980s. The annual average government borrowing requirement rose to 5.3 per cent in 1991-95, from 3.4 per cent in 1986-90. Since 1990, EU public sector debt has risen by \$2,000 billion to 71 per cent of gross

domestic product in 1995, from 55 per cent in 1990 and 38 per cent in 1980.

Defenders of Europe's economic record would argue that lower EU inflation — down to an average 3.9 per cent in 1991-95 against 4.9 per cent in 1986-90 — is still an achievement to be treasured but there are many, including Mr Marsh, who believe that inflation would have fallen even without the drive towards monetary union.

This year, growth in the EU is thought likely to rise to

around 2 per cent, against 1.6 per cent in 1996, but this will not be enough to justify the European Commission's optimistic boast that 12 out of the EU's 15 members will cut their deficits to 3 per cent or less of GDP this year, the statistical test year for membership of EMU. The much lower debt criteria — limiting public debt to 60 per cent of GDP — is also going to cause a lot of grief. Countries such as Germany, Austria, Spain, Finland and Sweden have seen their debts

least. If British politicians seem more sensitive than many of their European counterparts to voters' scepticism on the single currency, it is only because the election is imminent. But Germany's politicians face an election in October 1998. If one wants to conjure up a flavour of the democratic will they might be up against it, it is worth noting that, in June of that year, there will be ceremonies all over Germany celebrating the 50th anniversary of the mark, the precious totem of post-war stability and achievement.

It is more than likely that the proportion of ordinary Germans opposed to giving up the mark will have risen since the Allensbach poll last May. Many will not be best pleased with all the outrageous accounting fiddles being nodded through by the European Commission as it colludes with countries trying to meet the Maastricht criteria. Even less acceptable is the sight of President Chirac outgunning Chancellor Kohl on the stability pact at the Dublin summit.

All this makes the wait-and-see position of the British Conservative and Labour parties look eminently sensible and reinforces the impression that, however eagerly continental Euro-enthusiasts await a Blair government for a more positive British approach to EMU, they are likely to be disappointed — even if Labour wins.

Labour has made it clear that it wants proof that the single currency would be good for Britain economically. The accumulating evidence points the other way — at the very least on the 1999 timetable, which is wreaking such damage. Politically, EMU is not likely to be the subject closest to Mr Blair's heart in the early days of his administration. He is already committed to referenda on Scottish and Welsh devolution and current polls suggest that a referendum on Europe would come up with a no vote anyway. And, amid all the furor about Conservative splits over Europe, it should be remembered that Labour has a considerable band of its own rebels who, with an election win under their belts, would not hesitate to voice their views. Even with a reasonable majority, Mr Blair is unlikely to want to annoy them with so much other pressing business to pursue.

Britain's non-participation could provide Germany with one excuse for delay, a spring assault on the Italian lira another. Both would allow Bonn to divert the blame for postponing EMU to two tried and tested European scapegoats: Britain and Anglo-Saxon speculators.

6 Since Maastricht Europe's economies have failed to deliver

BUSINESS LETTERS

Hasten relief for names

From Sir Eric Yarrow
Sir, Many resigned Lloyd's names paid their finality bill in September, with varying degrees of difficulty and in some cases, involving the sale of shares, with subsequent capital gains liability or having to obtain a bank loan incurring interest charges.

There is now a further burden in that it seems a refund of tax from the Inland Revenue, in some cases a considerable amount, will not be received until the spring of 1997 or possibly even later.

Surely in the circumstances, a determined effort should be made by all concerned to reduce this time scale.

Yours faithfully,
ERIC YARROW,
Clock, Kilmacolin, Renfrewshire.

Boeing merger a gift for UK

From Mr Dick Winchester
Sir, The merger between Boeing and McDonnell Douglas (*The Times*, December 16) reduces competition in the aircraft industry and represents an enormous opportunity for the UK and Europe to step in and grab a much larger chunk of the market.

Accordingly, I look forward to reading that, just as their American counterparts would, UK financial institutions are holding talks to determine how they can work with industry and government in making the best of this wonderful Christmas present. Strange, I've just seen a 400-seater pink pig go over at 35,000 feet!

Yours faithfully,
DICK WINCHESTER,
The Old Schoolhouse, Old Rayne, Aberdeenshire.

Accounting 'error'

From Mr Francis J. Bergin
Sir, The news (*The Times*, Accountancy, December 5) that the Chartered Association of Certified Accountants is setting up yet another institute is profoundly depressing. Surely what is needed is a reduction in the number of chartered and non-chartered bodies, not the creation of an additional one.

This proposal also seems to run counter to all the discussions on integration over the past 30 years.

Yours faithfully,
FRANCIS J. BERGIN,
Elstree House, Elstree Way, Borehamwood, Hertfordshire.

Waterstone aims to prove that success is child's play



Tim Waterstone has high hopes for his new chain

aspiring to offer the same sort of clothes sold by Sophie Mirman at her two London childrenswear stores, Trotters. Mr Waterstone thinks her clothes are "wonderful", but the suggestion that the two 80s retail stars could work together is greeted with a guffaw. "There wouldn't be room for our two egos," he says.

The eventual Daisy & Tom stores will all be big and will have a few features in common. Each will have a working carousel, a four-face clock in the centre of the book department, giant rocking horses and toys displayed in a huge toy cupboard. His favourite toy display is at the Chicago branch of FAO Schwarz. He says: "It is really magnificently

Garden, Islington and Kingston. He also likes the idea of opening abroad. "It is perfect for Europe. Paris would be a knockout," he reckons.

As the father of eight, from three marriages, Mr Waterstone has a store of knowledge about children. He also has a special knowledge of children's books, but his worry when the Daisy & Tom concept first came to him, late in 1995, was that he would not be able to find the right people to handle the other departments. He has spent much of the last year hiring key staff, including Marian Hill, Harrods' childrenswear buyer of 20 years.

Considering that work is only now about to begin on the first Daisy & Tom branch, Mr Waterstone and his partners — DC Thomson and Quester — already have a very clear idea of what they want to do with the company. One year after the first three branches have begun trading, they want it to float on AIM. Then, as soon as possible, they want to move the company on to the main exchange. Mr Waterstone will remain both chief executive and chairman until the company is on the main exchange.

Mr Waterstone says he is thoroughly confident that this is the right time to start up Daisy & Tom. He had a great 80s, founding Waterstone's in 1982 and nursing it through expansion, deep recession and sale. But now, he says, "feels better than the 80s, when it was all so debt driven. This does not feel like a bubble about to burst".

SARAH CUNNINGHAM

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TES
THE TIMES EDUCATIONAL SUPPLEMENT

Ryanair scheduled for market take-off on route to Europe

Eileen McCabe follows the flightpath of Ireland's successful independent airline

Executives at Ryanair, the independent Irish airline, take their company motto very seriously. A recent telephone request to speak to Michael O'Leary, Ryanair's chief executive, at company headquarters in Dublin airport was greeted with a nervous giggle and a surprising explanation. "Oh, he's not around here. He's probably down with the rest of them loading the luggage," said a secretary. "There's nothing much going on in administration and the rest of them are run off their feet so they all go down to help out."

Although Mr O'Leary and his senior colleagues spent Christmas tuning up their muscles on the luggage ramps, the new year will see them back in serious executive mode to prepare for one of the

most challenging periods of their airline's turbulent 11-year history.

It is believed that Ryanair is preparing to float on the Dublin Stock Exchange within months. Although the company refuses to comment, market analysts say that the airline has been in discussions with exchange officials, since last September.

The company, which claims to have pioneered the low-fares/no-frills approach to flying in Europe, has shaken the industry to its foundations in Ireland. Set up by Tony Ryan, an entrepreneur, in 1985, the airline attracted instant applause from travellers who had long complained about the high prices charged by Aer Lingus, a state-owned carrier. Initially Ryanair concentrated on one of the busiest routes in

Europe — Dublin to London — and gradually muscled in on the Dublin to Birmingham, Manchester and Glasgow routes. But despite its popularity with the public, Ryanair hit serious turbulence in 1990 and was forced to carry out an extensive restructuring, including redundancies and route reductions.

Much to Aer Lingus's dismay, Ryanair re-emerged with its old agenda intact. The company continued to embarrass Aer Lingus by undercutting even its most discounted fares and launched regular broadsides against the

fees charged by Aer Rianta, the state-owned controller of Ireland's airports.

The financial turnaround has been impressive. After a loss for the year to December 1990 of almost £12 million (£6.9 million), Ryanair notched up a profit of £1,290,000 in 1991. Over the following three years the profits gradually increased, and for the 15 months to March 1995, Ryanair made profits of almost £15 million.

From a high of 13 routes in 1990, Ryanair cut back to five in 1992. Since then it has steadily built back up and by

last year once again boasted a network of 13 routes. They include flights from Dublin to Stansted, Gatwick, Luton, Cardiff and Glasgow.

According to Ryanair, passenger numbers have jumped from 726,000 in 1990 to three million last year. The company claims to have captured a 37 per cent share of the Dublin to London route and 32 per cent of the Dublin to provincial UK routes.

Ryanair has now set its sights on the wider European market. Recently it announced the purchase of six Boeing 737 aircraft from Lufthansa for US\$60 million to service a series of new low-fare services from Stansted to several European cities, including Paris and Brussels. The company has also warned the airport authority and the Irish public

that if Aer Rianta does not reduce its passenger charges from about £125 per person to close to the Stansted level of £10, then Dublin will not figure in Ryanair's expansion plans.

And those may not stop at Europe, if the recent acquisition of a 20 per cent stake in Ryanair by David Bonderman, an American businessman, is anything to go by. Mr Bonderman, who runs the Texas Pacific Group investment company, was a key player in the turnaround of both Continental and America West airlines. His track record in the US — and the fact that in November Mr Ryan stepped aside as chairman in the American's favour — tend to indicate that a flotation on the Dublin exchange may happen sooner rather than later.

Richard Thomson on the US investment dilemma

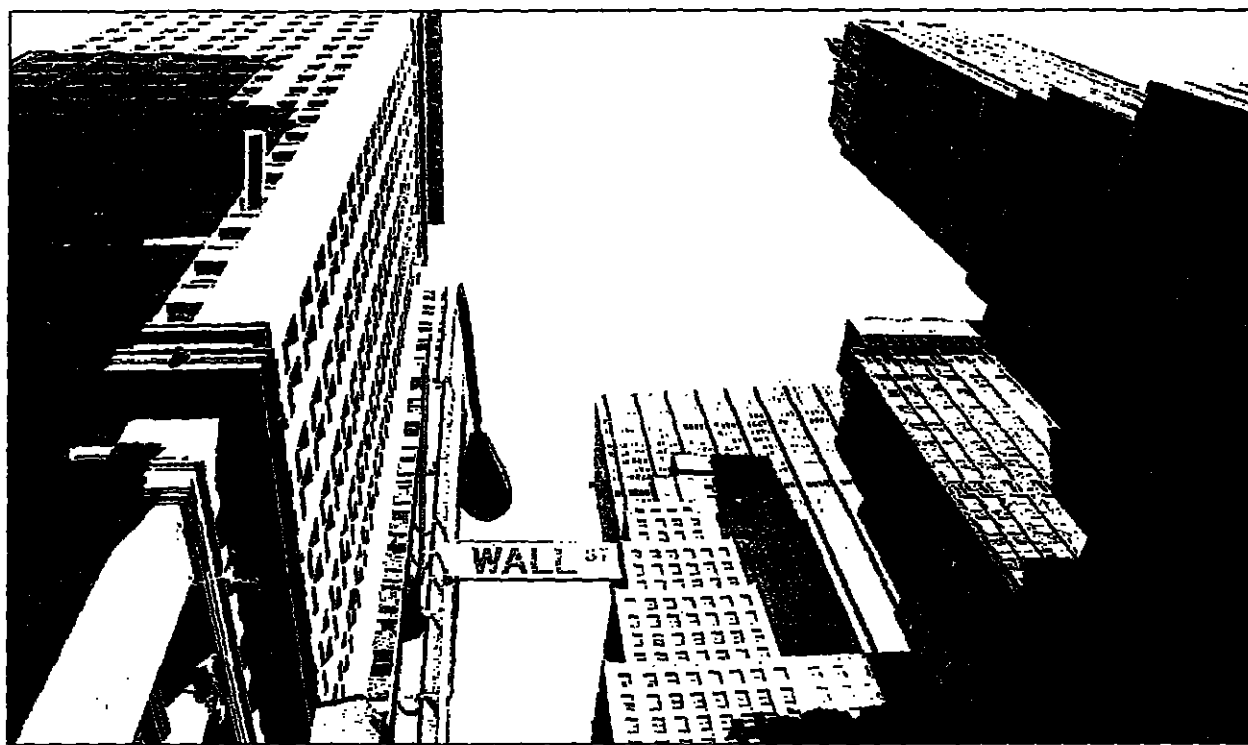
Question of values on Wall Street

A 101-point fall on the final day of trading on Wall Street in 1996 brought to an uncertain end a record-setting year for equities in America, making it even more difficult to forecast the likely outcome for 1997.

Bullish analysts and investors who insist that the way is still up easily outnumber the bears who claim that shares are heading for a fall which could, at worst, be catastrophic. A year ago, however, the bears were more numerous and turned out to be totally wrong. This time, will it be the bulls who are proved wrong?

The bullish argument is fairly simple: the conditions that sent the market up by more than 25 per cent in 1996 will not change radically in 1997. Inflation will stay low at around 3.5 per cent, as will interest rates, helped by the recent steep fall in the US budget deficit. Even if interest rates did start to rise, it would not have a significant impact on inflation during 1997. Corporate profits, meanwhile, will continue to rise as companies benefit from low interest rates and moves towards greater efficiency. Inflation-adjusted price earnings ratios are right in line historically with the current inflation level, so the market is not overvalued.

Abby Joseph Cohen, market strategist at Goldman Sachs, is typical of the bulls, seeing further growth but at a slightly slower rate. "I am still bullish,



Wall Street saw out a record-setting year with a 101-point fall, making it even more difficult to chart 1997

but I'm not as exuberantly or ebulliently bullish as in the past. There are still good value stocks to buy." Her favourite choices are small capital and technology stocks.

In the other camp stands a select but influential band of analysts whose hair stands on end when they contemplate current market valuations. To them, all traditional methods

of valuing stocks show the market is way beyond its historical norms. The dividend yields on S&P 500 shares, for instance — one of the standard US methods of valuing the market — is at its lowest level on record, indicating that shares are grossly overvalued.

To some extent, this is an argument about which value

measures to use. What is striking about the bullish side, however, is a willingness to jettison the measures that used to be considered sacrosanct but which now inconveniently suggest that prices are far too high. The bulls spend a lot of time explaining why the old measures no longer apply. In effect, they are saying that things are different this time.

The bears, meanwhile, reinforce their point that economic conditions simply will not stay as favourable in the coming year. Companies have already squeezed all the extra costs and productivity gains they can out of their operation over the past few years. To expect more is unrealistic.

We are almost certainly at the bottom of the interest rate and inflation cycle. There is little doubt the US economy is fairly robust, which may lead to higher inflation and a consequent rise in interest rates. In any case, the bears argue, it is foolish to bet against an interest rate rise, because of the attitude of the Federal Reserve Board and Alan Greenspan, its chairman.

Mr Greenspan terrified the markets shortly before Christmas by suggesting that share prices were suffering from "irrational exuberance". He has

made it clear he thinks the stock market is developing into a dangerous bubble that could be unnecessarily destructive. Bubbles need to be pricked before they grow too big, so if the market continues to rise, it is reasonable to assume that Mr Greenspan may increase interest rates to do just this, even if inflation stays level. So a rise in interest rates — the event the market probably fears most — is highly likely, if not inevitable.

How far might the market fall? At the soft end of predictions is Michael Metz, equity strategist for Oppenheimer, who sees either a static market or a gentle decline until prices return to their historical levels. This could take most of the year, he longer.

At the cataclysmic end is veteran pundit Barton Biggs, chief global strategist at Morgan Stanley. He foresees a correction "pretty soon" of ten to 30 per cent. Needless to say, ten per cent would be a shock for a market used to relentless advance, but 30 per cent would be an earthquake approaching the crash of the early 1970s in severity. Mr Biggs is, of course, advising investors to dump stocks and build up cash in their portfolios.

Overseas markets will fall when New York falls, says Mr Biggs. He is probably right. Seeing the way London and Tokyo, not to mention a slew of lesser markets, flew into a panic over Mr Greenspan's remarks, it is feared the rest of the world is looking to the US for a lead. The great importance, if the market does start to fall, is what the millions of small investors who have pumped hundreds of billions of dollars of savings into equities over the past two years may do. Historical evidence suggests private investors tend to panic less than professionals in market downturns, but the past, as they say, is not necessarily a guide to the future.

The big freeze and low stocks help to heat up price of oil

By OUR BUSINESS STAFF

Oil prices have started the year with a rally, the freezing weather across Europe having stoked demand for heating oil, much as it did during the cold snap in America a year ago.

The February futures contract for Brent crude oil on the International Petroleum Exchange in London was up 56 cents a barrel at \$24.37 yesterday from its 1996 closing price.

Brent prices are still around 70 cents below the six-year high of \$25.06 a barrel that was reached a few months ago but traders said that an extended cold spell combined with low oil storage tanks might trigger a fresh rally that could challenge that level.

Alan Haywood, of Bankers Trust International oil division in London, said: "We see oil prices being volatile in the short term but with an upward bias."

"It's hard to be bearish with the cold weather but the market has been jumpy over the holiday period and will take a few days to settle down."

Severely cold weather continued across much of Europe yesterday and energy demand is expected to be well above normal, according to Weather Services Corporation, a private forecaster.

Some of the waterways that take heating oil up the Rhine to the important German market were partially blocked by ice yesterday and likely to cause delays, traders said.

Germany, easily Europe's biggest heating oil consumer, has been running on unusu-

ally thin inventories. German household stocks of heating oil fell in November to about 62 per cent of capacity, from 68 per cent last year, according to estimates from traders.

Gas oil (heating oil) futures traded in London have gained approximately 6 per cent over the past month and January futures were up \$7.50 a tonne at \$23.25 in mid-morning. But for German consumers, a surge of oil loading in Rotterdam, The Netherlands, costs \$2 a tonne above futures even before transport costs are added.

Adding a bullish twist to European developments was news earlier this week that China needs to import about one million tonnes of diesel fuel over the next month to ease a domestic shortage. Diesel fuel comes from the same cut of an oil barrel as heating oil and the Chinese demand might suck some of that out of Europe.

In the important region of northeastern United States, distillate stocks, which include heating oil, are 13 per cent lower than levels experienced a year ago.

Meanwhile, oil markets have had little difficulty so far in absorbing the limited volumes of Iraqi oil exports that are permitted under the United Nations oil-for-food exchange.

Iraq has just started to export under one of 21 contracts for some 500,000 barrels a day of crude sales, enough at current prices to raise the \$2 billion that it is allowed over a six-month period to pay for humanitarian needs.

LEGAL & PUBLIC NOTICES

0171-782 7344

COMPANY NOTICES

MAXIM'S LIMITED
NOTICE IS HEREBY GIVEN that the AGM of MAXIM'S LIMITED will be held at 12 noon on Friday 21 January 1997 at 12, Essex Street, London EC2A 4PU. The business to be transacted at the AGM is as follows: (1) To receive and consider the accounts and reports of the directors for the year ended 31 December 1996; (2) To elect or co-opt members of the company to fill the vacancies on the board of directors; (3) To elect or co-opt members of the company to fill the vacancies on the board of directors; (4) To elect or co-opt members of the company to fill the vacancies on the board of directors; (5) To elect or co-opt members of the company to fill the vacancies on the board of directors; (6) To elect or co-opt members of the company to fill the vacancies on the board of directors; (7) To elect or co-opt members of the company to fill the vacancies on the board of directors; (8) To elect or co-opt members of the company to fill the vacancies on the board of directors; (9) To elect or co-opt members of the company to fill the vacancies on the board of directors; (10) To elect or co-opt members of the company to fill the vacancies on the board of directors; 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Sharp falls in thin trading

TRADING PERIOD: Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

ALCOHOLIC BEVERAGES	BANKS	BREWERIES, PUBS & REST	DIVERSIFIED INDUSTRIAL	ENGINEERING VEHICLES	FOOD MANUFACTURERS	LEISURE & HOTELS	MINING
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2nd Inc Div	152.00	162.00	1.49	1.52				
3rd Inc Div	152.00	162.00	1.49	1.52				
4th Inc Div	152.00	162.00	1.49	1.52				
5th Inc Div	152.00	162.00	1.49	1.52				
6th Inc Div	152.00	162.00	1.49	1.52				
7th Inc Div	152.00	162.00	1.49	1.52				
8th Inc Div	152.00	162.00	1.49	1.52				
9th Inc Div	152.00	162.00	1.49	1.52				
10th Inc Div	152.00	162.00	1.49	1.52				
11th Inc Div	152.00	162.00	1.49	1.52				
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13th Inc Div	152.00	162.00	1.49	1.52				
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27th Inc Div	152.00	162.00	1.49	1.52				
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THE TIMES

من الأصل



■ VISUAL ART

How Baroness Thyssen amassed her own collection of art, a wide variety of more than 500 paintings



■ OPERA

The Royal Opera begins an uncertain 1997 with an upbeat New Year's Day revival of *Chérubin*

THE TIMES
ARTS



■ TOMORROW

Jeremy Kingston on the return to London of Cirque du Soleil's circus extravaganza *Saltimbanco*



■ MONDAY

Robert Lepage brings his *Elsinore* to the National Theatre. Read Benedict Nightingale's verdict

VISUAL ART: As her collection tours China, Baroness Thyssen tells Isabel Carlisle what inspires her

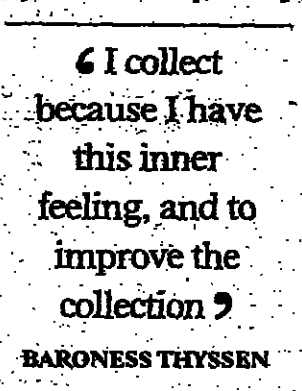
Lady with a Latin passion for art

Carmen Cervera, as she is still popularly known in Spain, is something of a national heroine, which has only a little to do with the fact that she was once crowned Miss Spain. In 1965 she married the German steel magnate Baron Hans Heinrich Thyssen-Bornemisza, and was instrumental in his decision in 1988 to decline Margaret Thatcher's offer of a new museum at Canary Wharf for his collection of Old Master and modern paintings.



The art, including Holbein's portrait of Henry VIII, went instead to Madrid. As part of the deal the Spanish Government paid for a £250 million restructuring of the Villahermosa Palace near the Prado, for which Baroness Thyssen chose the marble floors and the apricot-pink walls.

Baroness Thyssen's collection of art, a wide variety of more than 500 paintings, is something of a national heroine, which has only a little to do with the fact that she was once crowned Miss Spain. In 1965 she married the German steel magnate Baron Hans Heinrich Thyssen-Bornemisza, and was instrumental in his decision in 1988 to decline Margaret Thatcher's offer of a new museum at Canary Wharf for his collection of Old Master and modern paintings.



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The 500 paintings in Baroness Thyssen's collection include this early Picasso, *The Harvesters*; works by Gauguin; a Kandinsky or two, a couple of Canalettos and a little Goya

museum-quality painting, and a key work in terms of the baroness's collection, from an artistic period on which she has concentrated her buying. "I have always been in love with 19th and 20th-century Spanish painting and no one, not even museums, has collected these paintings seriously," she says. "A very strong link exists between them and

French and American paintings of the same date." American landscapes by 19th-century artists such as Albert Bierstadt and Frederic Church, with their vermilion sunsets and bright yellow dawns, were mapped up in the 1970s by the baron when museums and clubs were eager to raise cash for buying Impressionists. Several have

found their way into the baroness's collection, together with colourful "genre" scenes of everyday life a hundred or more years ago by little-known artists; major works by Gauguin of Martinique and Tahiti; an early painting by Picasso called *The Harvesters*; a Kandinsky or two; a couple of Canalettos; a little Goya picture of *Beggars at a Foun-*

tain; and others. In all there are more than 500 paintings, valued in March this year by the Spanish magazine *Antena* at £125 million.

In terms of quality the collection is uneven. Genre scenes are particularly prone to sliding into the chocolate-box league, and the baroness admits her enthusiasms are for people and colour, as well

as light and water. That may well change. Collections evolve over time and this one has hardly begun, driven by the vagaries of a new-found passion (some collectors call it an addiction). "I collect because I have this inner feeling and I collect in order to make the collection better. I like art because artists paint what they feel. I don't have

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OPERA: John Allison on a fine revival of *Chérubin* at Covent Garden

Satisfying sex'n'sentiment

AS IF anxious not to waste a moment before Covent Garden's closure, the Royal Opera began a most uncertain 1997 with an upbeat New Year's Day revival of *Chérubin*. Casting Massenet's light comedy *chanteuse* with strength from top to bottom, and persuading the conductor John Eliot Gardiner to make one of his all-too-rare appearances in a British opera house, it hardly resembled the company that only last autumn was churning out standard repertory in a string of lacklustre revivals.

Chérubin is too insubstantial to be standard repertory, but it does not deserve its neglect or even the sneering "sex'n'sentiment" gibes of the composer's detractors. Its unpretentious plot takes up the story of the post-*Figaro* *Chérubin*, at 17 enjoying a very amorous education in spite of the efforts of his tutor. He chases every skirt that

moves, including that of L'Enseigneur, a prima ballerina who happens to be the King of Spain's mistress; but she drops him with a song extolling the advantages of a one-night stand, and he is at last united with Nina, the girl-next-door who has always loved him.

With the exception of L'Enseigneur's enchanting *Aubade*, the fluent, frothy music is attractive rather than memorable; the elderly Massenet's inspiration was perhaps wearing thin when he composed the opera for its St Valentine's Day premiere in 1905 at Monte Carlo. But Gardiner paces the piece to perfection, never allowing sentiment to spill over into sentimentality; the score's many elements, from Spanish pastiche to an apt *Don Giovanni* quotation at the close, are gathered up into one satisfying whole.

But *Chérubin* would not



Unlucky in love: Elizabeth Futral and Susan Graham

sparkle so without Tim Albery's production, which the director himself has returned to supervise. Recognising that the piece lacks the satirical bite of Offenbach, Albery nevertheless stages it as an opera, with gags that are never overplayed. Antony

McDonald's storybook, Dufy-inspired designs are beguiling, and alert to the emotional temperature of each act.

Above all, it is the cast that makes this *Chérubin* unmissable. Susan Graham returns to the (travesti) title role, her rich and wonderfully focused high mezzo matched to crisp words and a very physical portrayal of the ardent adolescent. Robert Lloyd is again fine as Le Philosophe, but the objects of the boyish passion are all new. Elizabeth Futral, Alison Hagley, a devoted Nina, and Nicole Tibbels in her Royal Opera debut as the Countess. William Dazeley stands out in his house debut as the Count, joining Ryland Davies's Duke and Thomas Allen's deliciously camp Baron to make up the powder-puff trio that plays for unashamed laughs.

JOHN ALLISON

Farce sans fun

THEATRE

The Marriage of Figaro
Abbey, Dublin

marchais' play from the late 18th century to the middle of the 20th, and slipped it into the same milieu as Jean Renoir's *La Règle du Jeu*. This was perhaps not the wisest decision, for the contrasts, most obviously in levels of energy and comic imagination, between Renoir's work and West's are far from flattering to the young Irish writer.

Even with pauses for en-

tertainment in the shape of Andrew Scott's co-rendition of Charles Trenet's *Boam*. Jasmine Russell's swamp pop version of *J'ai deux Amours* and a protracted dance scene that leaves the large cast gasping for air, *The Marriage of Figaro* lacks exuberance.

The language of farce is clearly not one that the director, Brian Brady, speaks with any fluency. Lust, hy-

pocrisy and subterfuges are all given here, but he does not come close to knowing why any of them is funny.

Spacing is a problem. Even when embracing the cast seem strangely isolated one from the other, acting into too much empty space. Bennett makes a fair Figaro, skating between manipulative, worldly and plain dumb, but his interactions always register a degree or two below body temperature.

Adrift, so impressively recently in *Good Morning Mr Collins*, is here almost entirely lost in the undergrowth as Suzanne.

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GIFT ORDERS

Only one reason need be given for issuing warrant of commitment

Regina v Stockport Justices, Ex parte Conlon
Regina v Newark and Southwell Justices, Ex parte Keenaghan

Before Lord Justice Staughton and Mr Justice Tucker
[Judgment December 18]

When issuing a warrant of commitment in respect of an offender over the age of 21, magistrates were only obliged by section 82(b) of the Magistrates Courts Act 1980 to state which one of the conditions in section 82(4) was satisfied. That was the only statutory requirement in relation to adults.

Only if an offender was under 21 were they obliged additionally (i) to give the grounds on which they were satisfied that it was undesirable or impracticable to make a money payment supervision order and (ii) to state in open court the reason for their opinion that no other method of dealing with the offender was appropriate and cause that reason to be specified in the warrant of commitment and to be entered in the register.

The Queen's Bench Divisional Court so held in a reserved judgment dismissing an appeal by Carol Jane Conlon by way of case stated against the refusal on April 15, 1996, by Stockport Justices to review the issue of commitment warrants in respect of fines imposed but unpaid, and allowing an application by Stella Keenaghan for judicial review of the decision of Newark and Southwell Justices of July 4, 1996, to commit her for failing to pay fines imposed after her conviction of using a television set without a licence.

Mr Ian Wise for the appellant and the applicant.

LORD JUSTICE STAUGHTON said that the two cases, which concerned enforcement procedures for fines, were of considerable importance because apparently there were some hundred or so like them in the Crown Office list.

It was the task of magistrates to identify defaulters for whom imprisonment was unavoidable and to distinguish them from those where some other measure was appropriate. Nobody could doubt that the task was difficult or that the vast majority of magistrates were diligent and conscientious in the way they discharged it.

Under section 82(4) of the 1980 Act magistrates might not issue a warrant of commitment for a default in paying a fine unless the offender appeared to the court to have sufficient means to pay the sum forthwith, or the court was (i) satisfied that the default was due to the offender's wilful refusal or culpable neglect and (ii) the court had considered or tried all other methods of enforcing payment of

the sum and it appeared to the court that they were inappropriate or unsuccessful.

The "other methods" were now listed in section 82(4A), inserted by section 61 of the Criminal Justice Act 1988. They were (i) a distress warrant, (ii) an attendance centre order, for an offender under 21, (iii) a money payment supervision order, (iv) attachment of earnings, (v) enforcement in the High Court or county court. Direct deduction from income support payments was said to be another method of enforcement which ought to be considered.

By section 82(b) magistrates were obliged when issuing a warrant of commitment on the ground that one of the conditions in section 82(4) was satisfied to state that fact, specifying the ground, in the warrant.

That subsection was of critical importance in these two cases which were both concerned with offenders over 21. In such a case it provided the only statutory requirement that the justices give reasons.

In the case of offenders under 21 there were two additional statutory requirements:

1 That the court should state in the warrant the grounds on which it was satisfied that it was undesirable or impracticable to make a money payment supervision order; see section 88(5) of the 1980 Act as amended by the Criminal Justice Act 1988, and

2 That the court should state in open court the reason for its opinion that no other method of dealing with such an offender was appropriate and cause that reason to be specified in the warrant of commitment and to be entered in the register, see section 82(4A) of the Criminal Justice Act 1988.

In case there had been any misunderstanding of the judgment in *R v Oldham Justices, Ex parte Cawley* [1994] 2 WLR 681, to which the court had been referred, his Lordship repeated that neither of those requirements applied to an adult, and therefore to the present cases, where compliance with section 82(b) was enough.

The *Guidance for Sentencers* produced by the Magistrates' Association and the Justices' Clerks' Society in some respects went further than the *Cawley* decision.

Thus the enforcement check list had the following requirement: "Give your reasons for finding that each of the above enforcement actions is now inappropriate or likely to be unsuccessful."

There was also a draft pronouncement which left space for a reason for rejecting each of the six other methods of enforcement. Lord Justice Simon Brown in *Cawley* evidently did not regard that as a requirement imposed in the case of an adult by section 82(b)

alone, and neither did his Lordship.

They were of course entitled, if they thought fit, to recommend that more elaborate reasons should be given than the law required but the task imposed on magistrates in a fine enforcement case was already demanding: it was for others to decide whether a requirement for more elaborate reasons would promote justice.

Having said that, the last section of the *Guidance for Sentencers* headed "Use of money payment supervision orders" following *Cawley* which contained advice to magistrates, was to be commended.

Having considered the case stated by the justices in Miss Conlon's case, his Lordship did not consider, in the light of the above, that the justices had acted unlawfully.

In Mrs Keenaghan's case the justices had acted rationally and lawfully except in relation to their rejection of a fine supervision order which in the circumstances was illegal because they relied on the probation officer's report that such an order was inappropriate having rejected the underlying facts which led the probation officer to his conclusion. Accordingly, her case would be remitted to the magistrates for reconsideration.

His Lordship added by way of postscript that he was troubled not about the remedies which the magistrates had to choose from as a means of enforcement but the size of the fines which those on income support were expected to pay out of resources which were said to be only sufficient for the necessities of life.

Over a short period of time the money provided as income support might be sufficient for paying a small but regular amount towards fines but contingencies might occur which would strain a tight budget to breaking point. The fact that, in an ordinary week, there might be £5 available did not by any means lead to the conclusion that there were no resources to pay out of resources which were said to be only sufficient for the necessities of life.

The *Crime (Sentences) Bill*, now before Parliament, proposed a community service order instead of a fine in the case of those with limited means who had defaulted in the past. It would also allow magistrates to impose a community service order as a penalty for fine default.

Mr Justice Tucker agreed.

Solicitors: Clyde Chappell & Boham, Stoke-on-Trent.

Walker v Simon Dudley Ltd
Before Lord Justice Phillips and Mr Justice Hooper
[Judgment December 17]

Where a supplier undertook to supply future goods complying with requirements specified by the customer and it was reasonable to infer that the goods were supplied as corresponding to that trade description, section 43(3) of the Trade Descriptions Act 1968 applied so that the supplier was deemed to have applied to the goods at the time of supply the trade description used in the customer's request.

Accordingly, where the trade description proved false at the time of supply, the supplier committed an offence under section 1(1)(b), subject to any defence under section 24.

For the purposes of section 1(1)(b) if a vendor represented to a purchaser, or a prospective purchaser, that unascertained or future goods would meet certain requirements when supplied, those representations continued in force at the time of the supply, provided that that was a reasonable inference to draw in the circumstances.

The Queen's Bench Divisional Court so held, allowing an appeal by case stated by the prosecuting trading standards officer, David Walker, against the acquittal by Mr Philip Browning, a stipendiary magistrate sitting at Shrewsbury Magistrates' Court on January 26, 1996, of the defendants, Simon Dudley Ltd, of four informations alleging the unlawful supply of goods to which a false trade description was applied, contrary to section 1(1)(b). The court imposed an absolute discharge for each offence.

On February 15, 1990 the Shropshire Fire and Rescue Service sent to the defendants for tender a

specification for the supply of a fire engine. The defendants tendered on the basis of that specification and agreed that the engine would comply with its specified qualities. The order was accepted. Prior to delivery the defendants agreed certain modifications at the request of the fire service. The goods engine supplied was not modified as requested and did not meet the specifications.

Informations 1, 3 and 4 related to the false trade descriptions arising as a result of the failure to comply with the original specifications. Information 4 related to the failure to carry out the modifications to the original specifications.

The magistrates found that the defendants had failed to incorporate the modifications so that the specifications had not been complied with; that, accordingly, the fire engine did not comply with the trade descriptions referred to in the order; but that the failure was caused by an error in the course of supply which was neither deliberate nor foreseen and he acquitted the defendants. The prosecutor appealed.

Mr Ian Crawford, QC and Mr Barry Berlin for the prosecutor; Mr Colman Treacy, QC, and Mr Christopher Bright for the defendants.

MR JUSTICE HOOPER said that the prosecution had to show that, at the time of the supply, a trade description was applied and that it was false.

If a vendor represented to a purchaser, or proposed purchaser, prior to supply that the goods would meet certain standards or requirements, did those representations continue in force at the time of the supply, at least if the purchaser had been told otherwise?

Section 43 made it clear that on supplying the fire engine the

defendants "shall be deemed to have applied" the trade description which was used in the "request" made by the fire service for the engine with its specified qualities. Although there was no finding of fact that it was "reasonable to infer that the goods [were] supplied as goods corresponding to that trade description", there could be no dispute that that inference had to be drawn.

The relevant time for deciding whether a trade description was applied for the purposes of section 1(1)(b) was the moment of supply. The prosecution had to prove that earlier representations about the goods had been "carried along" to use the words of Lord Justice Watkins in *Cavendish Woodhouse Ltd v Wright* [(1985) Trading LR 40, 76]; that they were trade descriptions and that they were false. It mattered not whether the goods existed or were to be acquired or manufactured at the time of the representations.

There was no requirement in the statute of knowledge. The words "error in the course of supply" in *Cavendish* [at p45] should be treated with caution.

LORD JUSTICE PHILLIPS, concurring, said that section 43(3) simply required that the goods should be supplied pursuant to a request in which a trade description was given rise to the inference that the goods supplied corresponded to that description.

The test was a simple test of fact and did not depend on whether or when the trade description became a term of the contract. In the case of informations 1, 3 and 4 the fire engine was clearly supplied pursuant to a request in which a trade description was given, and the specification coupled with the acceptance of the tender, and the circumstances in which the fire engine were

supplied were equally clearly such as to make it reasonable to infer that the fire engine was supplied as corresponding to the specification.

Information 2 was less easy to accommodate within section 43(3). The request for the supply of a fire engine had already been made when the requirement for modifications was added to the trade description already specified. Where, however, the trade description used in the original request was varied by a subsequent request, and the goods were supplied in circumstances such as to make it reasonable to infer that they corresponded to the description as varied, the person supplying the goods had to be deemed to have applied to the goods the trade description as varied.

That involved, perhaps, a slight extension to the literal meaning of section 43(3), but it was a necessary extension in order to produce a sensible interpretation in the circumstances postulated.

Section 43(3) was designed to cover the situation where the supplier made no express application of a trade description to goods, but made an implied trade description by supplying them pursuant to a request for goods of their description.

In the present case section 43(3) applied in the case of each of the informations and the magistrates should have convicted on that basis alone.

In the case of each information the defendants understood that the fire engine would comply with the trade description requested. Mr Crawford submitted that that was a continuing representation that applied as a trade description of the fire engine at the moment of its supply, see *Cavendish*.

That submission was sound. Frequently a supplier applied a trade description to goods that he

agreed to supply in the future. They might be specific, unascertained or future goods.

In the latter circumstances, when he supplied the goods, the description that he had already undertaken would apply to them as a trade description that applied to them at the moment of supply, provided always that the circumstances surrounding the supply were such that it was the reasonable inference to draw.

If the description proved false, an offence under section 1(1)(b) would have been committed, subject to a possible defence under section 24.

The defendants contended that the fire engine would comply with the trade description specified by the fire service. It followed that the trade descriptions applied in the fire engine at the moment of supply. The description was false. For that reason also they should have been convicted.

Offences under the 1968 Act would be committed on many occasions where a breach occurred of a contract for the sale of goods. That was not a satisfactory way of affairs, but it might be justified by the need to ensure fair trading in a wide variety of circumstances.

The consequence was, however, that technical offences would be committed where a civil law claim was the only remedy required. Trading standards officers had to exercise discretion when deciding whether or not a particular case warranted the intervention of the criminal law.

The magistrates did not consider that the case warranted a prosecution and neither did his Lordship. The case did not fall within the type of mischief against which the 1968 Act was directed.

Solicitors: Lanyon Bowdler, Shrewsbury, Wragge & Co, Birmingham.

When plaintiff cannot accept payment into court

Braben v Enmap Images Ltd
Before Mr John Cherrymman, QC
[Judgment December 13]

A plaintiff who elected an account of profits rather than damages could not accept, under Order 22, rule 3 of the Rules of the Supreme Court, a payment into court, made under Order 22, rule 1(i), which authorised payment in respect of damages or an account of profits.

His Lordship would have preferred a solution where fines on those of limited means were lesser in amount, or at least lesser in total, so that they could be paid in a manner of weeks, and where regular payment was firmly enforced.

The *Crime (Sentences) Bill*, now before Parliament, proposed a community service order instead of a fine in the case of those with limited means who had defaulted in the past. It would also allow magistrates to impose a community service order as a penalty for fine default.

Mr Justice Tucker agreed.

Solicitors: Clyde Chappell & Boham, Stoke-on-Trent.

issued by David Braben against Enmap Images Ltd.

Mr Tim Penny for the plaintiff; Mr Michael Silverleaf, QC, for the defendant.

His Lordship said that in August 1995 the defendant published the September 1995 issue of *PC Review* carrying a cover design containing an infringing copy of a computer game written by the plaintiff. The plaintiff's statement of claim sought, inter alia, an inquiry as to damages or at the plaintiff's option an account of profits.

By its defence, Enmap admitted the infringement, offered an undertaking not to infringe further and offered to submit to judgment for an injunction, an order for delivery up and an inquiry as to damages or an account of profits. The plaintiff elected to take an account of profits, rather than the claim to damages, but was willing to accept the moneys in court in satisfaction of its claim. The plaintiff then sought leave under Order 22, rule 5 to withdraw the payment into court out of its claim.

The plaintiff had failed to accept the payment within 21 days pursuant to Order 22, rule 3 but argued that the court should exercise the discretion conferred by rule 5 to order payment out to it,

nothing having occurred since payment in to affect the likely quantum of the plaintiff's claim. If the action were to be fought out at trial.

Lord Denning, Master of the Rolls, in *Gaskins v British Aluminium Co Ltd* [1976] 1 QB 524, 530 said that the discretion to order payment out should not be exercised if the satisfaction of the claim or failure at trial had substantially altered because it would be unfair to hold the defendant to a sum which he offered in different circumstances. He referred to court decisions changing the way in which damages were assessed or the discovery of further evidence of information as such changes in circumstances.

In his Lordship's judgment the plaintiff's application for payment out of the moneys in court failed for two reasons. First, the payment in was not made in satisfaction of a cause or causes of action for a debt or damages; see paragraph (b) of rule 1 and *Young v Black Sluice Commissioners* [(1909) JP 265].

It was true that, as in this case, a payment in was often offered to be made in satisfaction of all causes of action when other items of relief as well as a debt or damages were claimed. However, paragraph (b) of rule 1 did enable

the plaintiff to apply to the court if he was "embarrassed by the payment".

Order 22, rule 3 authorising the plaintiff to accept a payment in within 21 days provided: "... the plaintiff may: (a) where the money was paid in respect of the cause of action or all the causes of action in respect of which he claims, accept the money in satisfaction of those causes of action or those causes of action as the case may be."

In his Lordship's view, rule 3 only authorised acceptance in respect of a cause or causes of action for a debt or damages. Order 22, rule 5 provided: "(i) if any money paid into court in an action is not accepted in accordance with rule 3, the money remaining in court shall not be paid out except in pursuance of an order of the court which may be made at any time before or after the trial or hearing of the action; and where such an order is made before the trial or hearing of the action the money shall not be paid out except in satisfaction of the cause or causes of action in respect of which it was paid in."

In his Lordship's judgment, the concluding words precluded any payment out where the cause of action for a debt or damages in respect of which the moneys were paid in was no longer subsisting when the application for payment out was made.

That was the case here. The application was made before the trial or hearing of the action and the claim for damages disappeared when the plaintiff elected to take

an account of profits instead.

The second reason why the moneys in court should not be paid out to the plaintiff was that if he was wrong in his construction of Order 22 and, contrary to his view, rule 5 did apply, then in his Lordship's judgment, it was not a case where he should exercise his discretion to order payment out to the plaintiff.

The reason was that the plaintiff's election to take profits rather than damages did represent a material adverse change in the likely quantum of the financial relief the plaintiff was likely to obtain.

Before the election, the plaintiff had the option to take judgment for damages to be assessed. Such damages would be on a licence/royalty basis the quantum of which the plaintiff rather than the defendant could best judge.

By the election, the plaintiff gave up that relief and limited itself to an account of profits which the plaintiff at any rate judged at trial on the basis of the information supplied by the defendant. That would be a sufficient change in circumstances to preclude the court ordering payment out to the plaintiff under Order 22, rule 5.

Payment out to the defendant would accordingly be made under Order 22, rule 13 because the cause of action for damages in respect of which moneys were paid in no longer subsisted.

Solicitors: Walker Tomaszewski, Camden Town, Greenwoods, Peterborough.

Licence exemption for emergency vehicles

Wing v T. D. & C. Kelly Ltd
Before Lord Justice Mcowan and Mr Justice Collins
[Judgment December 2]

Owners of a vehicle kept for use in an emergency were exempt from the need to obtain an operator's licence only if they were a business for the supply of water, gas, electricity or telephone services.

The Queen's Bench Divisional Court so stated when allowing an appeal by Elaine Wing on behalf of the Vehicle Inspectorate by way of case stated from the acquittal by Preston Justices on May 11, 1995 of T. D. & C. Kelly Ltd on a charge of unlawfully using a goods vehicle, contrary to section 60 of the Transport Act 1968. The court took account of delay in bringing the matter to appeal and did not remit the case to the justices.

Mr Mark Bishop for the prosecutor; Mr Tim Swan for the defendants.

MR JUSTICE COLLINS said that a preliminary issue arose in relation to failure to comply with rules for time limits in stating a case. Reference was made to *R v Clayton Justices, Ex parte Lefore Holdings* [(1988) 1 WLR 1468] and *Parsons v W. Woolworth & Co Ltd* [(1980) 1 WLR 1472].

His Lordship would not wish to detract from the concern in both those cases that rules should be obeyed and cases brought forward as quickly as possible. However, each case should be considered on its facts.

In the present case the justices' clerk had accepted responsibility for the most substantial part of the delay. The other parties had also contributed to delay.

When dealing with cases giving rise to points of law going beyond the facts of the case, it was generally speaking, right that the matter should be decided on by the court. The respondent could be

protected, if the court decided that was the proper course to take, by the court not remitting the case to the justices.

In the present case, the justices had found that the company's vehicle was exempt from the need to obtain an operator's licence for its use as an emergency vehicle because it fell within the definition in paragraph 27 of Schedule 5, Part 1 to the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations (SI 1984 No 176).

That definition was now enacted in paragraph 26 of Schedule 3, Part 1 to the Goods Vehicles (Licensing of Operators) Regulations (SI 1995 No 2864).

It provided exemption for "a vehicle held ready for use in an emergency by an undertaking for the supply of water, gas, electricity or telephone services."

The company argued that although the vehicle was not attending an emergency, it was ready so

to do. It was not necessary that the vehicle was solely ready for such use. All that was necessary was that it was available for use in an emergency.

His Lordship said that the definition could not be read completely literally because any vehicle being used, when on route, was not being "held". The paragraph was descriptive of the type of vehicle which might broadly be termed an emergency vehicle.

"Ready for use in an emergency" did connote a vehicle being held by its owners for the purpose of use in an emergency.

Even if the vehicle was ready for use in an emergency the owners had to be an undertaking for the supply of relevant services. The company was not.

Lord Justice Mcowan agreed.

Solicitors: Treasury Solicitor, Swayne Johnson & Wight, Denbigh.

Solicitors should beware tax trap

Hurlingham Estates Ltd v Wilde & Partners (a Firm)
Before Mr Justice Lightman
[Judgment December 10]

Any competent solicitor, practising in the field of conveyancing or commercial law, should be aware of the trap laid by section 34 of the Income and Corporation Taxes Act 1988.

Mr Justice Lightman so held in the Chancery Division, in awarding Hurlingham Estates Ltd, the plaintiff company, £69,455 damages and costs in an action against Wilde & Partners, solicitors, in respect of a breach of contractual duty and negligence.

Section 34 of the 1988 Act provided: "(1) Where the payment of any premium is required under a lease, or otherwise under the terms subject to which the lease is granted, and the duration of the lease does not exceed 50 years, the landlord shall be treated for the purposes of the tax Acts as becoming entitled when the lease is granted (in addition to the actual rent) to a sum equal to P - (P x V)/50 where P is the premium and V is the number of complete periods of 12 months (other than the first) comprised in the duration of the lease."

Mr Michael Jeffers for Hurlingham; Mr William Stewart-Smith for the solicitors.

MR JUSTICE LIGHTMAN said that in 1991 Wilde & Partners owned the two flats in A La Mode Knightsbridge Ltd and the nine-year residue of a lease of Midas at a market rental. Midas was willing to sell both for £200,000 to Mr and Mrs Turner, the key employees of ALM.

The Turners negotiated with Hurlingham, which was owned by Mr Staples and his wife and with a Mr Gandy for a loan of that sum.

On meetings on May 17 between Mr Staples, Mr Gandy and Mr Turner the following structure had been agreed:

1 An off-the-shelf company to be acquired and to purchase the lease from Midas, from which the Turners would acquire its two shares in ALM for £1, for £200,000

2 Mr Staples and Mr Gandy to lend that £200,000 to the shelf company at interest, repayable by instalments.

3 ALM's share capital to become £1,000, held 51 per cent by the Turners, 49 per cent by Mr Gandy, and Mr Staples.

4 A shareholders' agreement and service agreements with the Turners to be entered.

5 ALM to indemnify the shelf company against all liabilities under the lease.

6 ALM to repay the £200,000 and interest, after which the shelf

company was to assign the lease to ALM.

On May 29 all those individuals, the clients, met Mr Peter A. Rowe at that time the conveying and commercial partner of the solicitors.

Mr Rowe, giving evidence, had said he had next to no knowledge of tax law and was quite unqualified to give any warning as to the existence of any adverse tax consequences or implications.

(b) It had been agreed that Mr Rowe would not be giving any taxation advice; that being a matter of first importance to Mr Rowe because of his awareness of incompetence so to advise.

Hurlingham desired both (a) and (b) above, contending that taxation had never been mentioned at that meeting. There was no written record of such an agreement, which, to have legal effect, needed to be unambiguous.

Further, common sense required that such a matter should both be recorded in an attendance note of the meeting and in a subsequent letter to the client, so that the client could consider its implications; here, neither was done.


His Lordship, after reviewing the evidence, concluded that Mr Rowe had assumed the full responsibility for the advice of a solicitor and that if he had exposed his ignorance, as he should have, the clients would have immediately instructed someone competent instead.

In the event, Mr Rowe had entered the tax matters armed only with a precedent book, knowing neither what to look for nor the significance of anything he found.

There had been no justification for Mr Rowe either assuming that the clients would be seeking any taxation advice from elsewhere, or believing they had any relevant expertise.

Therefore, he was under a duty to advise Hurlingham how the transaction should be structured, and, in particular, that the structure in fact adopted would expose it to a tax charge which, by comparison, could be avoided by merely formal alterations to that structure.

Solicitors: Ernest H. Gidson & Co, Slough; Barlow Lyde & Gilbert.



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A scientific mystery

John O'Leary
puts science
teaching and
jobs under the
microscope

Britain's need for more scientists and engineers has been one of the few areas of agreement in education policy over the past decade and more. The unsolved problem has been how to entice more teenagers away from the arts.

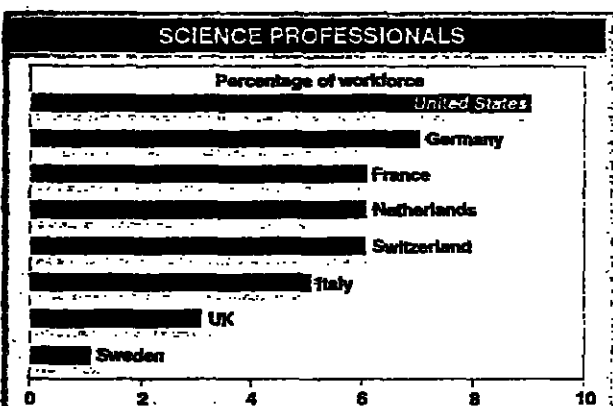
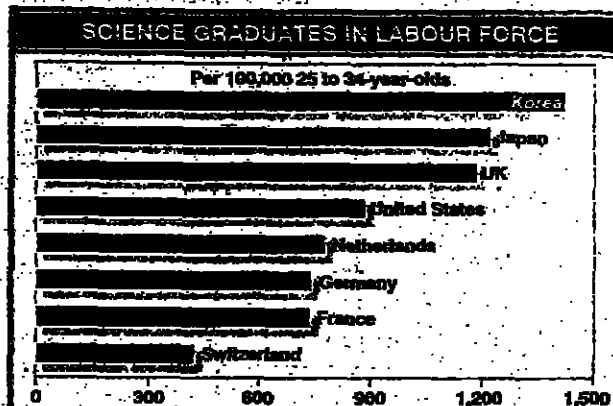
Yesterday's conference in Birmingham of the Association for Science Education was an unexpected place to find the premise being questioned. Professor Alan Smithers, the head of Brunel University's Centre for Education and Employment Research, argued that there is no shortage in relation to the current jobs market.

He was not saying that the population has all the scientific education it needs, or that there is no scope for improvement in research. But his analysis suggested that quality is a bigger problem than quantity and that fundamental changes are needed if levels of scientific literacy are to rise.

The nub of his argument is that politicians and educationists have been addressing the wrong question on science education. Attention has focused on filling places on degree courses in an expanded university system and steering students towards "useful" scientific and technological subjects, rather than the arts and social sciences. At the same time, spending on research and development has been dropping in real terms, restricting job opportunities in the sciences. The combined result has been a surplus of poorly qualified graduates and not enough attention to important issues in the school curriculum.



Britain produces a lot of science graduates but a comparatively small number take up jobs in the field



ence and arts A levels has become much more common, but only one in five who does so takes science or engineering at university.

Professor Smithers believes that poor science teaching may be partly responsible. More than a third of those taking postgraduate teaching qualifications in mathematics, physics and chemistry have at best a third-class degree. Only at the height of the recession did universities and colleges meet the Government's targets for recruitment in these subjects.

Another factor, he argues, is the disjunction between GCSE and A level. With the separate sciences at GCSE now the virtual preserve of grammar schools and the independent sector, most youngsters taking science subjects in the sixth

form lack the depth of knowledge needed to tackle A level. Research for last year's Dearing review showed that science A levels were anyway more demanding than arts.

One unintended effect has been what Professor Smithers terms the "gentrification of science". Subjects once seen as an ideal avenue for bright working-class boys, who were better able to express themselves in numerical and spatial terms than linguistically, are now more likely to be taken by middle-class teenagers at independent schools.

But the key question is whether Britain needs more scientists or more scientifically literate generalists. With salaries in science and engineering lagging behind those in most professions, young people are

likely to be put off the subjects by the career prospects. No European country can match the British proportion of science graduates in the labour force, but the proportion working as scientists is twice as high in Germany, France, Switzerland and The Netherlands. Professor Smithers sees the explanation for this apparent paradox in Britain's relatively low spending on research and development.

Professor Smithers believes that in the absence of a change of spending priorities, more attention should be given to the quality of education in science and engineering. This may mean more selectivity and some empty university places, as well as

school reforms. He said: "Attempts have been made to expand science-based higher education in the past decade beyond the capacity of A levels and other qualifications to provide. That has involved sucking in students from all directions. Since degree courses have generally remained three years in length, this does call quality into question." The challenge for ministers is to strike the best balance between scientific literacy and producing the best engineers and research scientists. Professor Smithers's favoured course is to move to five A levels, ensuring that more teenagers keep their options open and receive a more rounded education.

Oxford selection: logic or lottery?

Michael
Beloff
describes how
his college
chooses its
new students



Trinity: "a fair entry system"

Oxford has completed its selection process for next academic year's crop of undergraduates. The envelopes containing news of success or failure should have dropped through the letterbox before the last of the late posted Christmas cards. Is the system logical or a lottery?

As a new Head of House, I have been forcibly impressed with two quite different perceptions from the outside world. On the one hand, old members complain that there is no guarantee of places for their offspring and suspect a bias against the products of independent schools. On the other, Labour Party spokesmen suspect a bias in favour of precisely such people, and point to the imbalance of state and private students admitted. From conversations with my own college freshmen I detect that there remains even among conscientious school advisers a high degree of misapprehension about what colleges are looking for and how they hope to find it.

The attack from both flanks may suggest that Oxford has struck a happy balance. But in the first year after abolition of the formal entrance examination, the constituencies which Oxford serves look for a fuller explanation of what the colleges are about - for each college retains autonomy over its own admissions process.

I have no doubt that my college is seeking those with the capacity to profit most from their degree course. Achievement in date may indicate potential for the future, but it is not the sole indicator. Colleges do not penalise applicants from top public schools; however, they do sensibly make allowances for strong candidates who have had less opportunity to develop their intelligence to the full. Precisely that kind of adjustment has been made by those awarding Queen's scholarships at Eton and

their equivalents at Winchester for decades.

But there are necessary limits to this process of adjustments. Disparate standards of education in British secondary schools mean that some, however bright, would not catch up, still less overtake, their more intensively educated contemporaries within the span of an Oxford degree course. And it is not our policy to try to redress that imbalance by positive discrimination to the detriment of standards; still less to experiment in social engineering.

Of course there is no universal agreement as to the best methods by which potential is judged. The written examination was abolished because it was thought to favour the well coached candidate from the private sector. Nowadays we operate on a mixture of school record and report, A-level predictions, in some subjects short written tests and interview. And since all offers are contingent on satisfactory A-level results (usu-

ally a minimum of 2 As and a B) there is a safeguard against overoptimistic assessment, although errors of judgment are inevitably made. As I wrote in our annual report: "This college seeks to maintain an admissions system, based on merit, which is sensitive but fair, displaying neither prejudice nor partisanship. We are as happy when the Trinity spirit cascades down from generation to generation in a single family as when the college is given the chance to influence a fresher from a school, or country, with which it has no previous connection."

Is the concentration overmuch on academic potential and too little on other talents, musical, artistic or sporting? Excellence and commitment in one field may be a predictor of the same qualities in another. Between two precisely matched candidates, a richer CV may possibly tilt the balance; and allowance might sometimes be made for time usefully spent outside the classroom at the expense of a perfect score of all As at GCSE.

What is the result of this process? In rough terms our last intake was evenly balanced between the sexes; with 40 per cent from state schools of whom well over half were from comprehensive schools; and just under 10 per cent from overseas. Sex equality has been produced (within two decades) on merit. It would be fatal if equal numbers of state/independent entrants were achieved on the basis of imposed quotas. Many are called; but few are chosen. Unless colleges remain free to make those choices on academic grounds even so powerful a brand name as Oxford may lose its force, further diminishing Britain's ability to compete on an international plane.

● The author is President of Trinity College, Oxford.

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Mel Webb on the enduring appeal of a game that has survived an acrimonious split

Darts keeps to popular flight path in Purfleet

It is not pretty. There is fury and acrimonious claim and counter-claim. One side is utterly convinced that right is on its side, the other counters its opponents' statements with scorn and derision. There are tales of intrigue in smoke-filled rooms, of bitter internecine conflict. The world of the opposing factions inhabits a riven with something close to all-out war. Ugly stuff.

So what is it that is so split asunder, so angrily divided? Could it be an alliance between two great political parties that has gone sadly wrong? And if it has a place on the sports pages, is it a battle for supremacy in the halls of the Olympic movement, or, perhaps, a division among the governing bodies of world football? Something that really matters to countless millions of people and is so split that there seems no possibility of rapprochement?

Darts. Yes, darts, the bar-room game that can be played wherever there is a 13½ in circular board, three small arrows a side, and a humble nail from which to suspend the target. It is beloved of millions, fleshes out drinking time every week for three million regular players in the United Kingdom and seems an innocent sort of activity, if one that sometimes struggles in its claim that it is a fully-fledged sport.

Sometime in the comparatively recent past somebody decided that darts was to become a professional game, opening the floodgates to the pursuit of the ignoble quid. It became a huge spectator and television attraction in the Eighties, and won one of its leading practitioners, Eric Bristow, a lot of cash and an MBE. Bristow's gang gave the game a spurious sort of respectability; there was Eric, the Crafty Cockney himself, alongside worthy district nurses, long-serving dustbin men and veteran lollipop ladies.

The game gained television time and entered its golden age, its leading players the likes of Bristow, Jocky Wilson, John Lowe and Bob Anderson. These were the men who, their opponents allege, were protecting their fading pre-eminence by putting themselves in the vanguard of the great division in the game in 1993. At the heart of the split was loss of television coverage. It would not do, the big names said, the lifeblood of darts was time on the box.

The outcome was two world



Taylor, "who might be the best player ever to hurl an arrow", on the oche at the Circus Tavern in Purfleet yesterday. Photograph: Hugh Routledge

"There is a capacity audience that joins together in daily obeisance to St Castlemaine, the patron saint of lager"

bodies — the British Darts Organisation and, by extension, the World Darts Federation, which stages the Embassy world championship that starts tomorrow in Surrey, and the breakaway World Darts Council (WDC). Bristow, Wilson and the rest nailed their colours to the mast of the WDC, which is holding its version of the world championship this week at the Circus Tavern in Purfleet, in Essex.

One thing to be said for the WDC is that it knows how to put on a show. Even in the group matches, which have been held during the week with the purpose of arriving at eight quarter-finalists, there is more

dry ice than in a dozen Cliff Richard concerts, there are scantily-clad young women bearing national flags, there is a capacity audience that joins together in daily obeisance to St Castlemaine, the patron saint of lager. And then there are the players.

These are no ordinary people. Among them are beer bellies of heroic proportions, testimony to a

lifelong pursuit of "one hundred and eighty" and its obligatory amber lubrication. They throw with unerring and metronomic accuracy and have the subtraction skills of a computer, garbed in spangly shirts that make them resemble dancers who failed the audition for the paso doble section of *Come Dancing*, sporting Barbara Cartlands with attitude. They might look slightly

daft, but they most assuredly know their business. The first prize of £45,000 is no trifling matter, and when the eight chosen men go to the oche before the Sky Sports cameras in the knockout stages today, the joint-favourite will be Phil Taylor, who might be the best player ever to hurl an arrow. Taylor, the second seed and defending champion, has won two

Embassy titles and two WDC crowns, and is aiming to emulate Bristow's five world titles this weekend. He and Dennis Priestley, the top seed, are the men to beat.

At the end of it all, there will be a winner, who will claim he is the real champion of the world. Meanwhile, down at Frintley Green, the rest will be claiming the same thing. Who knows who is right? Further, is darts a sport or merely an agreeable pastime that outgrew itself? There is no doubt about it. Unequivocally, it is a sport — if it is good enough for the Queen and her Honours List, then it should be quite good enough for the rest of us.

Muster put off by ringing in his ears

THOMAS MUSTER, the top seed, angered by spectators using their mobile telephones, dropped a set and took more than two hours to beat Christian Ruud, of Norway, 6-2, 3-6, 7-5 for a place in the quarter-finals of the Qatar Open tennis tournament in Doha yesterday.

Muster cruised through the first set in 32 minutes but his game went to pieces in the second, when he became increasingly disgruntled by line calls and the constant ringing of telephones. At one stage, the Austrian screamed at a spectator: "Turn off your phone or get the hell out of here."

In today's quarter-finals, Muster meets Jim Courier, Sergi Bruguera takes on Petr Korda, Tim Henman, of Britain, comes up against the Swede, Magnus Gustafsson, and another Swedish player, Magnus Larsson, plays Hicham Arazi, of Morocco.

Collins defence

Boxing: Steve Collins will have a rare continental opponent when he makes the sixth defence of his WBO super-middleweight title next month. Frederic Seillier, of France, will be his opponent at the 12,000-capacity London Arena on February 8.

His six previous WBO championship fights have been against British boxers — Chris Eubank and Nigel Benn (both twice), Cornelius Carr and Neville Brown.

The Collins-Seillier bout will be one of four world championships on Frank Warren's promotion, one of the others being between the WBO featherweight titleholder, Prince Naseem, and the IBF champion, Tom Johnson.

Back on road

Cycling: The former world champion Lance Armstrong, of the United States, who is fighting to overcome cancer, has resumed training, the manager of his French team, Alain Bondue, said yesterday.

"He finished his chemotherapy on December 13 and had a good rest afterwards," Bondue said. "His morale is excellent and he hopes to return to international competition in May."

Armstrong, who won the world road race title in 1993 when he was 21, revealed last October that he had cancer of the abdomen and testicles.

Honours board

Basketball: Joe Whelton, of Manchester Giants, has been named Budweiser coach of the month for December. Whelton, who was coach of the year during his first spell with the Giants 13 years ago, took the prize after guiding his team to four victories last month.

The London Towers guard, Danny Lewis, has won the December player-of-the-month award.

SAILING: CREWS UNSCATHED DESPITE BATTERING BY HURRICANE

Tailenders home in tight finish

By Edward Gorman
SAILING CORRESPONDENT

THREE more yachts in the BT Global Challenge reached Wellington, New Zealand yesterday after some very close racing at the back of the fleet and after surviving one of the worst storms of the leg when they were caught by the tail of Hurricane Fergus.

The first of the trio to reach Lambton Harbour was *3Com*, skippered by David Tomkinson, which finished half an hour ahead of the disabled crew on *Time & Tide*, who were followed closely, in turn, by *Courtauld International*, skippered by Boris Webber in twelfth place for the leg.

Only the dismasted *Concert* and

Heath Insured II, which almost lost her mast, remain at sea. They are expected tomorrow. Hurricane Fergus caused no damage to the tailenders but produced some vicious winds and steep seas.

Ocean Rover, which finished early in the morning on New Year's Day in ninth place after nearly 42 days at sea, experienced the full force of it. Robert Bruce, a crew member, said: "In the Southern Ocean you know that a storm will last nine hours, but this one went on for 15. Instead of the waves being as large as three-storey buildings, Fergus produced skyscrapers which were so deep and steep. The seascape was officially 'phenomenal', with waves 14 metres high."

In the Vendée Globe, Eric

Dumont, of France, who broke his boom on Wednesday while several hundred miles south of Hobart, is still engaged in a struggle with the effects of the magnetic south pole. Because he has no gyro-compass on *Café Legat Le Gout*, his auto-pilots are unusable.

"My pilots haven't worked for three days," an exhausted and desperate Dumont reported from sixth place, about 2,700 miles behind the race leader, Christophe Auguin, also of France, on *Geodis*. "My controls are giving a position which changes every second. It is too much — I have to stop the boat to sleep or work and I am completely exhausted."

Latest positions, page 40

WEIGHTLIFTING: OLYMPIC CHAMPION CALLS HALT TO GLITTERING CAREER

Suleymanoglu bows to heavy load

By Our Sports Staff

THE weight of years and the demands of training became too much for Naim Suleymanoglu, of Turkey, yesterday when he announced that he is to retire from competitive weightlifting. Suleymanoglu, a native Bulgarian, captured the hearts of his adopted homeland by winning three Olympic gold medals during a glittering career at the top of his sport.

"I am now 30. It is enough. I am announcing that I am putting an end to my active sports life," he told the *Milliyet* newspaper in Ankara. Suleymanoglu became a national hero after winning his first Olympic gold medal at the Games in Seoul in 1988.

He has also won seven world championships, including two before he defected from Bulgaria in 1986. At the Olympics in Atlanta last year, Suleymanoglu, who is only 4ft 11in tall, broke his own world record with a combined lift of 738½lb in snatch and clean and jerk.

"Weightlifting has given me a lot, and it has given me a lot of joy," Suleymanoglu, who has been nicknamed the Pocket Hercules, said.

"My next target would have been the Sydney Games. But I cannot remain in active weightlifting for four more years," he explained. Suleymanoglu said that he wanted to continue working in weightlifting as a technical director or manager.

"But for now I only have one goal: to rest for a long while and catch up on all that I have missed out on in my youth," he said.

Born into an ethnic Turkish family, he was universally honoured and praised for helping to raise the profile of Turkish sport.

When he returned home from leading championships, he would be carried on the shoulders of supporters who had gathered in their thousands.

Crowds of followers would also accompany him to championships to cheer him on, singing national songs and waving Turkish flags.

He has been elected "sports personality of the year" in Turkey for six years in succession by readers of *Milliyet*.

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David Powell on how the Spaniard put the brakes on a glorious career

Indurain's winning cycle draws to a halt

Within a month of Carl Lewis doing the same, Miguel Indurain, fellow Atlanta Olympic champion and competitor of rare distinction, announced his retirement from sport's big stage yesterday. Even as he spoke, though, Indurain left cycling wondering whether he has been premature in making his decision to ride into the sunset.

Indurain, the only man to win the Tour de France in five successive years, disclosed in Pamplona, his home town in Spain, that never again would he be seen competing in professional cycling. If widely predicted, the sense of loss was immediate nevertheless.

CAREER

Born: July 16 1964 in Vilva, Navarre, Spain. Height 1.85m. Weight: 80kg. Turned professional: 1984. Team: Reynolds (1984-89), Banesto (1989-96). Major victories: One-day races: 1996 Olympic time-trial (Atlanta); 1995 World time-trial championship (Colorado); 1992 Spanish championship; 1990 San Sebastian Classic Stage race; Tour de France: 1991-1995 (including 12 stages); Tour of Italy: 1992 and 1993 (four stages); Paris-Nice: 1989 and 1990; Criterium du Dauphine: 1992 and 1996; GP Midi Libre: 1996; Criterium International: 1989; Tour of Catalonia: 1988, 1991 and 1992; Tour of Asturias: 1996; Bicicleta Vasca: 1996; Tour of the European Community: 1996. World Hour record holder from September 2 1994 to October 22 1994 (53.040 km). Ranked No 1 cyclist 1992, 1993.

made worse for Indurain's refusal to concede that a record-breaking sixth Tour win might have been beyond him.

The decision has been tremendously difficult for me because, physically, I am in good shape and I think I might still be fit enough to win the much-desired sixth Tour," Indurain said. He shares with Jacques Anquetil, Eddy Merckx and Bernard Hinault a record five Tour wins, though none of the other three achieved theirs in as many years.

Indurain, 32, and arguably the fittest man the world has known, failed to win a sixth consecutive Tour last year.

and had to pull out of the Tour of Spain in September, a race in which, humiliatingly for him, he was ordered to ride by his sponsor, Banesto. "I do not want to ride but they have made me," the normally mild-mannered Indurain said.

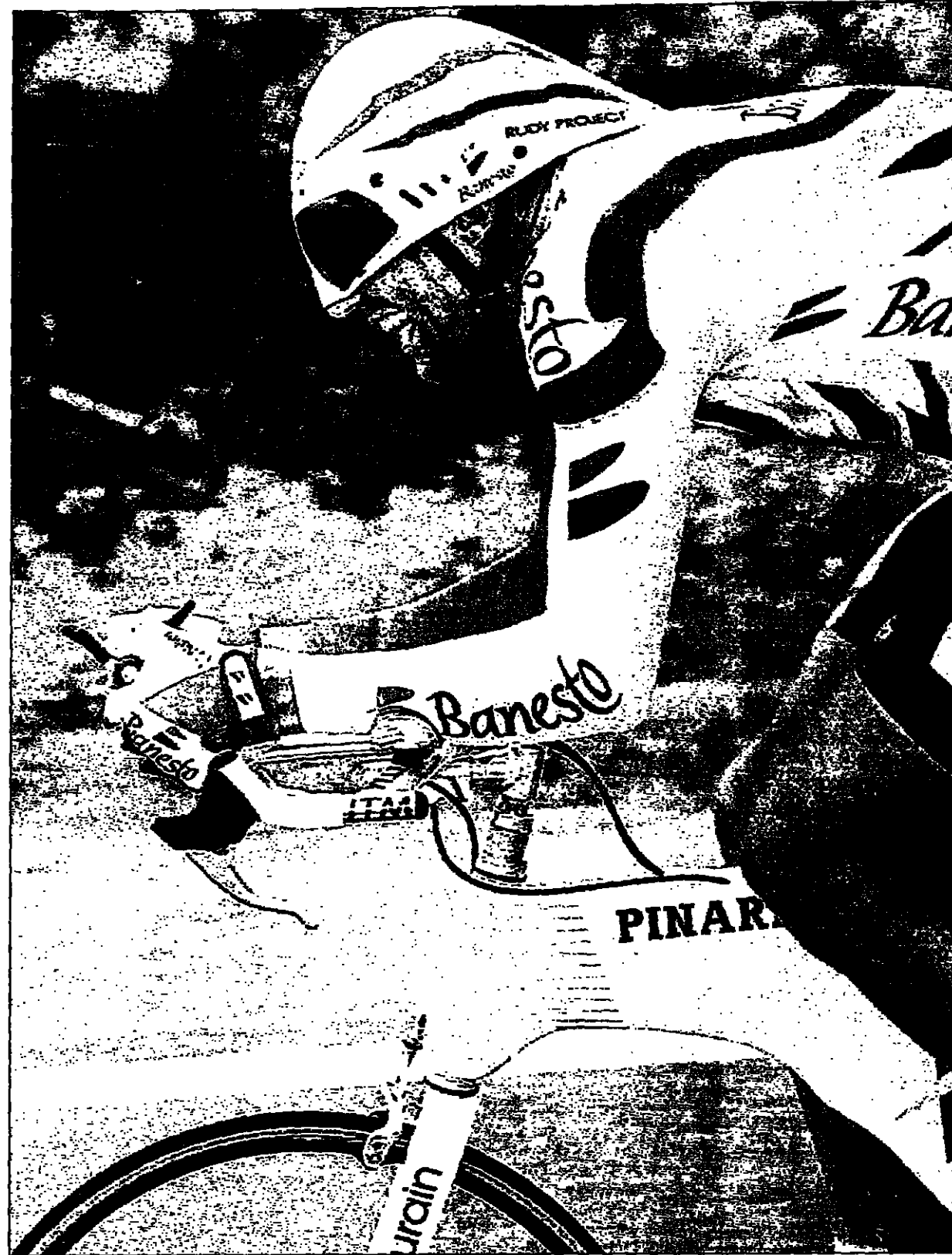
When Indurain withdrew on day 13, a testing mountain stage, after losing touch, speculation grew that he was about to quit. However, only yesterday, his contract with the Banesto team having expired at the end of 1996, did he end the rumours.

"In the early months of this season I started to turn over the idea that the time had come to give it up and to dedicate myself to the other facets of my life," he said. "I believe that I have dedicated sufficient time to competitive cycling and now I want to enjoy this sport as an amateur. I won the Olympic gold medal in Atlanta. It seemed the perfect close to my sporting career."

Indurain's Olympic victory came in the time-trial. His strength in the Tour had been his time-trialling, inviting debate as to whether the annual three-week, 2,500-mile race should be more mountainous. The climbers found it impossible to regain the ground lost to Indurain in the time-trials. He was not without success in the mountains, however, having won stages in the Pyrenees in 1989 and 1990 before his more calculating tactics took him to his first overall victory in 1991.

Likening himself to a lizard, because he functioned best in hot weather, Indurain was tall (6ft 3in), bronzed and rarely without his sunglasses. Despite his imposing physique — "Big Mig" was his sobriquet — his paucity of stage wins compared with other Tour legends and his dull press conferences meant that he was a largely anonymous figure.

Not everybody was convinced that the farmer's son was the best of the herd. He is not the best there has been, the argument went, because



Indurain displays the grit and determination that brought him five successive Tour de France victories

he concentrated on the Tour to the exclusion of most other challenges. Claude Jacquet, a senior official of the International Cycling Union, the sports world governing body, opined yesterday that Indurain could not be compared to Merckx.

"I cannot place him on the same level as his fellow five-time winner, Merckx, as Eddy wanted to win every race in the season whereas Miguel only wanted the Tour de France," Jacquet said.

Doctors were fascinated by Indurain's extraordinary lungs; he had a resting heart-rate of 28 beats per minute, a lung capacity of eight litres and a heart capable of pumping 50 litres of blood per minute for hours on end.

Only occasionally would a sportsman rival Indurain for popularity in Spain. Martin Fiz was one such competitor when he won the marathon at the 1995 world championships. Close friends, Fiz and Indurain had a common doc-

tor and physiologist in Sabino Padilla and the runner confessed to having been influenced by the cyclist. "His calmness, the way he always sticks to his own rhythm and never panics if someone breaks away, just little by little reeling them in," Fiz said of Indurain's qualities.

Calculations relating to Indurain's income vary. One source said he earned £15 million a year, another that his failure to find a team willing to pay him £5 million

for the 1997 season sealed his fate.

Indurain has probably pumped more in, though, than he has taken out. Jean-Marie Leblanc, director of the Tour de France, said that Indurain was not just a great rider. "He was a perfect gentleman," Leblanc said yesterday. "Always approachable, always willing to sign autographs. He was a great ambassador for the sport."

Popular hero, page 15

ICE SKATING

Olympian can climb higher

By John Hennessy

ANY conversation about British hopes for medals at the next Olympics would be certain to range far and wide. Yet, it is likely that such a conversation would ignore one of the best prospects this country possesses. His name is Nicky Gooch, who is not an athlete, oarsman or swimmer, but a winter competitor on ice.

Gooch, from Barnes, does not live in the glamorous world of triple axels, split twist lifts or the choctaws and mohawks of the ice dancers. He is a short-track skater, a discipline in which speed, guts and stamina are paramount, where elegance of costume or performance count for nothing. He promises to be the main attraction at the Tessa

British championships at Guildford today and tomorrow.

Gooch, 23, whose star is still on the rise, according to his coach, Alan Luke, won an Olympic bronze medal over 500 metres at Lillehammer three seasons ago and was disqualified from second place in the 1,000 metres. He was second in the 1500 in the world championships last year.

In the usual way, a short-track championship is decided over four distances, as it will be at Guildford, but for the Olympics only two events, 500 metres and 1,000 metres, are recognised, each a separate entity.

This places Gooch at a disadvantage, since his stron-

gest event is the 1500. The fourth race, over 300 metres, is also absent from the Olympic programme.

Yet, talented as Gooch is, he is unlikely to have it all his own way in tomorrow's final. Matt Jasper, of Nottingham, also 23, deprived Gooch of two of his British records, over 500 and 1000, last year, though Gooch later re-established himself over the longer distance.

In the women's event Debbie Palmer, like Gooch a Guildford-based skater, will be looking for her seventh successive title, her confidence boosted by encouraging performances last year — third in the European championships and eighth in the world.

RUGBY LEAGUE

Hetherington joins the team

By Christopher Irvine

IN ADDITION to his role as chief executive of Leeds Rhinos, Gary Hetherington has taken the job of team manager from Hugh McGahan as a part of wide-ranging changes to the management structure at the Huddersfield club.

Hetherington succeeds McGahan, who has returned to New Zealand to market the Super League there, and takes responsibility for players' contracts and transfer negotiations.

As coach and chief executive of Sheffield Eagles for 12 years, Hetherington proved himself an impressively versatile operator.

His latest appointment will not affect the day-to-day coaching duties of Dean Bell.

Indeed, Bell's remit is being extended to coaching the Leeds Alliance team as well as the first XIII. Rather than several assistant coaches, he will have specialist support in specific areas of skills, strength and conditioning and coaching from a six-man team.

"Coaching and management at this level are no longer a one-man job and our aim is to install a team of experts who can share responsibilities and give players every opportunity to fulfil their potential," Hetherington said.

Hetherington's appointment ruled out a move to Leeds by Joe Lydon, who resigned this week as the

Wigan team manager, although his name continues to be linked with the coaching and academy executive job at the Rugby Football League (RFL) made vacant by John Kear's move next week to Sheffield as football executive.

Jason Robinson, Henry Paul and Gary Connolly finish their short-term spells in rugby union on January 11 and should be available to Wigan for the rearranged second-leg challenge match at St Helens, either the next day or on January 19.

Va'anga Tu'itama will also play, unless Wasps can reach an agreement to keep him in rugby union until the end of the season.

WORD-WATCHING

Answers from page 38

HERMIONE

(a) Leontes' young queen in *The Winter's Tale*. Her affinity towards her husband's friend (Polixenes) seems to Leontes like flirting, and provokes his insane rage against both of them. She is bewildered but dignified, both after her arrest and at her trial. This dignity, and the charm of the domestic scene before her arrest (when she lets Mamillius whisper a bedtime story in her ear) make her one of the most sympathetic characters in the play.

SATURNINUS

(a) Villainous emperor of Rome in *Titus Andronicus*. Cuckold-husband of Tamora. The one determined act of his life is stabbing Titus at the end of the play, and he only works himself up to this after he has been served the heads of Tamora's sons in a pie and seen Titus stab Tamora before his eyes. Provocation enough, you would think, for even this most ill-favoured of emperors.

FLAVIUS

(a) Timon's steward. He is distressed by his master's career towards ruin — "I bleed inwardly for my lord" — but is unable to get his attention for long enough to stop it. After Timon's exile, he goes to visit him — "O you gods! Is yond despised and ruinous man my lord?" He is given the gold Timon has dug up on the bleak condition that he hate and despise the human race. Later, he brings the Senators to try to persuade Timon back to Athens. For all that his part is small, his loyalty and sincerity light up the play.

PHILOSTRATE

(a) Theocritus' master of the revels in *A Midsummer Night's Dream*. A ceremonious court official who arranges the wedding entertainment, including the rustic play, "A play there is, my lord, some ten words long... Which, when I saw rehearsed, I must confess, / Made mine eyes water..."

SOLUTION TO WINNING CHESS MOVE

1 Bg5! 2 Re1 - Kf7 3 Rxf3 Kxf6 4 Rxf6 - winning a piece and the game.

SKIING

Wiberg holds upper hand in title race

By Our Sports Staff

PERNILLA WIBERG will have an advantage over Katja Seizinger, her rival, when the pair resume their struggle for the women's overall Alpine skiing World Cup title in Maribor, Slovenia, today. Wiberg, of Sweden, boosted her confidence last weekend by clinching her second victory of the season in a slalom in Semmering, to take the overall lead from Seizinger, the absent title-holder.

Wiberg, who has 612 points to the German's 494, likes the technical events and will be more comfortable in the giant slalom today and the slalom tomorrow, than Seizinger, a speed specialist, who opted to miss the back-to-back slaloms at Semmering to train in her favourite speed disciplines. Seizinger, the 1993 super-

giant slalom world and 1994 Olympic downhill champion, was also weakened by a bout of influenza last month which forced her to pull out of a slalom in Crans Montana, Switzerland.

Although Wiberg is a 1991 world and 1992 Olympic giant slalom champion, she has had only one World Cup victory in this discipline, six years ago. Seizinger, who has celebrated the majority of her wins in downhill and super giant slalom, has four World Cup giant slalom victories to her credit. This winter, Seizinger has made the rostrum at both giant slalom races so far, with a victory in Soelden and a third place behind Sabina Panzanini, of Italy, and the Austrian, Anita Wachter, in Park City, Utah.

SNOW REPORTS

	Depth (cm)	Conditions	Runs to resort	Weather (°C)	Last snow
ANDORRA Soldeu	30-155	good powder	good	snow	2/1
(Excellent skiing with light powder on firm base)					
AUSTRIA Oberurg	40-140	good varied	fair	cloud	5 26/12
(Plenty of snow well but some icy spots showing)					
Soil	20-60	fair	poor	fair	2 24/12
St Anton	45-180	good varied	fair	wind	4 23/12
(Plenty of good piste skiing; gusty winds)					
FRANCE Alpe d'Huez	95-250	good powder	good	snow	2 2/1
(Excellent skiing with powder snow everywhere)					
Piave	35-235	good powder	good	snow	4 2/1
(Fantastic skiing but wind affecting some pistes)					
Méribel	50-140	good varied	fair	cloud	1 2/1
(Snow in generally excellent shape; more snow forecast)					
La Plagne	100-190	good varied	good	line	3 2/1
(Excellent skiing conditions on all pistes)					
S Chevalier	70-200	good powder	good	snow	2 2/1
(Fresh powder on and off piste; poor visibility)					
Val d'Isère	80-250	good varied	fair	snow	6 2/1
(Excellent skiing but zero visibility)					
Val Thorens	160-240	good varied	good	snow	2 2/1
(Very windy at altitude; snow generally very good)					
ITALY Cortina	180-350	good powder	good	snow	8 2/1
(Wonderful powder but very poor visibility)					
SWITZERLAND Mürren	60-180	good varied	fair	fair	1 30/12
(Good skiing despite poor visibility; milder)					
Verbier	50-180	good varied	fair	snow	2 2/1
(Tricky conditions with flat light snow good trough)					
Wengen	40-100	good varied	fair	cloud	1 30/12
(Good piste skiing in all areas; some hard patches)					

Source: Ski Club of Great Britain. L - lower slopes; U - upper; art - artificial.

One-colour journalism

Paper Talk: Radio 5 Live, 10.05pm.

Here is further proof that Radio 5 Live can effortlessly hit its twin targets, news and sport, with one arrow. The charge it brings against the British press is that not one mainstream national paper has a black or Asian journalist working full-time on its sports desk. There must be some truth in the allegation, otherwise why would the Commission for Racial Equality have launched its campaign to encourage editors to employ more black journalists? Press-watchers and working journalists get the chance tonight to confirm or deny the existence of a colour bar. The Observer sports editor is one who insists that "quality and resources" are the only criteria that influence job decisions.

Composer of the Week: Radio 3, noon and midnight.

There are, as usual, two composers of the week. The midnight composer tonight is last week's midday choice, repeated. The noon composer today is Leonard Bernstein whose Broadway musicals have provided Humphrey Burton with an embarrassment of riches. His series ends today with *West Side Story*. The impact this musical made at its premiere in 1957 was phenomenal: rarely had a musical score so dynamically motivated stage action. Midnight brings the conclusion of a fascinating epistolary series about the lives of letters which, for 14 years, flowed between Tolstoy and his wealthy patroness, Nadezhda von Meck.

Peter Daville

RADIO 1

7.00am Mark Radcliffe, includes News, weather and travel updates 9.00 Kevin Greening, includes the Johnnie Walker and Mr Whippy's organ 12.00 Nicky Campbell — The Afternoon Lovefest, includes 'Tina Turner 3.00pm Mark Goodier, includes The Chart Show 7.00pm Pete Tong: Essential Selection features the best new music 10.00 One in the Jungle, two hours of drum 'n' bass mix 12.00 Radio 1 Rap Show with Tim Westwood 3.30am Annie Nightingale

RADIO 2

6.00am Nick Barnacough 7.30 Sarah Kennedy 9.30 Alex Lester 11.30 Jimmy Young 1.30pm Debbie Throver 3.00pm Stewart Laing 5.00 Johnnie Walker 7.00pm Worldgroove, with Toon Wilson and Jeffrey Holland 7.30 Friday Night is Music Night: From the Hippodrome, Golden State, London, SOF Concert Orchestra, under Stanley Black 8.45 Jamaica Inn 9.00 Listen to the Band 10.00 The Arts Programme 12.00am, Charles Nove Bailey 4.00am Seventy Hills

RADIO 3

5.00am Roko Septiers 6.00 The Breakfast Programme 8.30 The Magazine 12.00 Midday with Mark 2.05 Ruscoe on Five 4.00 Nationwide 7.00 News Extra 7.30 Parkinson on Sport 8.30 Friday Sport, Presented by Robin Bailey 9.30 Golf's Card School, Tony Aderson reports on the European PGA's qualifying school 10.05 Peter Dinklage, Set Chorus 11.00 Night Extra 11.35 News Walk Alone (S) 12.05 After Hours 2.05 Up All Night

TALK RADIO

6.00am Early Breakfast 7.00 Paul Ross 9.00 Scott Allen 12.00 2.00pm Tommy Boyd 4.00 Drivetime, with Peter Dinklage 7.00 Mot. Dee's Sportszone 10.00 Mike Allen 1.00am Ian Collins

RADIO 5

6.00am On Air, with Penny Gore, Mendelssohn (Symphony No 4 in A, Hallé); Michael Haydn (Symphony in G, P27); Vaughan Williams (Fantasia on a Theme by Thomas Tallis); Turina (La Oration del Torero); Prokofiev (Sinfonietta)

RADIO 4

9.00 Morning Collection, with Catherine Young, Verdi (Te Deum, Four Sacred Pieces); Tchaikovsky (Symphony No 4 in F minor)

RADIO 5

12.00 Composer of the Week, See Choice 1.00pm News, Chopin By Arrangement, Allegro de Concert, Op 46, orch Nicola De Luca. The third of four programmes in which Jeremy Nicholas explores Chopin's compositions that have been reworked by others

RADIO 4

2.00 Preoccupations, Leading musicians talk of their hopes and fears for 1997 2.15 Music Restored (1) 3.00 Mining the Archive, Stephen Pevsner presents a Beethoven broadcast from 1950, and discusses with Malcolm Birnie his Catholic nature and his love of the opera

RADIO 4

5.00 Shipping (LW) 6.00 News 6.10 Farming Today 6.25 Prayer for the Day 6.30 Today 8.45 Shipping 8.55 Weather 9.00 News 9.25 Desert Island Discs, Author Martin Amis tells Sue Lawley which records he'd take (1) 9.45 United States of Africa, Gavin Eater ponders why there are such huge gaps between classes and races in America (S) 10.00 Let's Make Our Towns Nice Again (FM), New series about efforts to tidy up towns in Britain. Roy Gossford tours Bournemouth 10.00 An Act of Worship (LW) 10.15 On This Day (LW) 10.30 Woman's Hour, with Sheila McInerney 11.30 The National History Programme, Joanna Pinnock and her intertidal team of experts answer listeners' queries 12.00 You and Yours 12.25 The Food Programme, Andrew Jefford investigates wine, food and socialisation in South Africa 12.35 Weather 1.00 The World at One, with Nick Clarke 1.40 The Archers (1) 1.55 Shipping 2.00 The Classic Serial: Alice in Wonderland, by Lewis Carroll (6/8) 3.00 The Afternoon Shift, with Diane Braham 4.00 News 4.05 Kaleidoscope Unplugged, Tim Merlow reviews a selection of the year's live highlights, including performances by John Williams, Christy Moore and Dmitri Hvorostovsky

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